

HAIRE, RITA C., Ed.D. The Policies, Politics, and Players in the North Carolina Parental School Choice Voucher Debate: Why Wisconsin Said Yes, But North Carolina Says No. (2010)

Directed by Dr. Camille Wilson Cooper. 312 pages

This qualitative study examines the education policies, political dynamics, and key players in Wisconsin (WI) and North Carolina (NC) to develop a theory to explain how a targeted parental school choice voucher policy was legislated in WI but not in NC. The study seeks to offer a theoretical policy framework that explains the absence of a targeted parental school choice voucher policy in NC.

Using Grounded Theory methods, this study examines the policies, politics, and players of WI in the years leading up to 1990 when the Milwaukee Parental Choice Program was legislated. The debate that took place is described through the lens of the six major controversial concepts found in the literature. The study reveals how the contentious issues were overcome by the application of a policy framework that supported success.

By contrast, the study explores the policymaking dynamics, the politics, and the players of NC to discover why no targeted parental school choice voucher debate has taken place and what level of controversy exists, if at all. This study uses the generative and emergent processes of Grounded Theory through archival research, historical analysis, and personal interviews with a total of five identified and nine anonymous participants—including high level public officials—to systematically generate a theory about the absence of a targeted voucher policy in NC.

The data analysis suggests that the social construction policy framework, as applied to both the dependent student population in Milwaukee and to the advantaged K-12 public school advocates in NC, provides a theoretical proposition to explain the absence of a targeted voucher policy in NC. Implications from the study's conclusions are that to attain successful school choice legislation advocates for parental school choice must recognize and work within the social construction policy framework. Their efforts should be directed at diminishing the advantaged status of K-12 public education advocates and constructing a targeted group of disadvantaged, dependent, and deserving students to be assigned the benefits of parental school choice vouchers. With a targeted population in place—either the disadvantaged and poor, mostly minority students of NC's inner cities and rural areas, or the students with disabilities population—the strength of an advocacy coalition, and striking at the “window of opportunity,” the parental school choice advocates will improve the chances for success.

THE POLICIES, POLITICS, AND PLAYERS IN THE NORTH CAROLINA  
PARENTAL SCHOOL CHOICE VOUCHER DEBATE:  
WHY WISCONSIN SAID YES, BUT  
NORTH CAROLINA SAYS NO

By

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Approved by

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To all educators who strive  
to give their best  
and be their best.  
Our children are worth every effort.

## APPROVAL PAGE

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## **CHAPTER I**

### **INTRODUCTION**

My goal is to improve public schools and student performance. Dr. Harrison, Superintendent Atkinson, and I will act aggressively in Halifax County and all of North Carolina to make sure our schools have the support, direction, and accountability that give our kids a chance to succeed (Governor Beverly Perdue, Press Release, 4/22/09).

#### **Statement of the Problem**

“Academic genocide,” charged North Carolina Superior Court Judge Howard Manning, in reference to the academic performance of the 14 public schools in Halifax County, North Carolina, in 2008 (North Carolina Justice Center, 2009). Judging from the State intervention taking place in that county, together with data from across the state, it appears that North Carolina (NC) faces mounting challenges in the education of K-12 students. In 2006, more than half of the schools in NC failed to make Adequate Yearly Progress in reading or math. The percent hovered around 55% again in 2007. In the school year of 2007-2008, a full 67% of schools did not make Adequate Yearly Progress (North Carolina Department of Public Instruction, 2009).

Increasingly, the public schools across the nation receive criticism for high drop-out rates, failing inner city schools, growing costs but lower SAT results, a global ranking that continues to fall, a persistently segregated system of school districts, and overall mediocrity in performance (Chubb & Moe, 1990; Smith & Meier, 1995). NC’s 115

public school systems face the same criticisms, despite decades of reform efforts (Gottlob, 2007; Swanson, 2009). The 12<sup>th</sup> Annual Edition of *Education Week's* Quality Counts 2008, grading states in six areas of educational performance and policy, showed that NC earned an overall grade of C, with a D+ in K-12 achievement (Swanson, 2009).

Additional data confirms that NC faces several academic challenges. Only 57.8 percent of students entering high school graduate four years later (EPE Research Center, 2010). Roughly 58 percent of African American males never do (Gottlob, 2007). Every day NC schools witness another 300 students dropping out, and almost 60 percent of those that graduate and attend community college require remediation (EPE Research Center, 2010; North Carolina Education Cabinet, 2009).

In Halifax County, NC, Judge Manning insisted that the state Department of Public Instruction and the Board of Education intervene and take direct command of the 14 schools and put an end to the “academic genocide” (North Carolina Justice Center, 2009). Assessments in that county in 2008 demonstrated that over 70% of the students in 3<sup>rd</sup> through 5<sup>th</sup> grades could not read on grade level. Fifteen percent of 7<sup>th</sup> graders achieved grade level proficiency in reading in 2008 (“Halifax Rescue?” 2009).

I have conducted an exploratory policy study designed to formulate a theory as to why NC has not responded to academic challenges by piloting a targeted voucher program as some states have. I was interested in learning more about how policymakers and political and educational leaders in NC were responding to the state’s overall academic performance and specifically to the poor performances of school systems like Halifax County or, more accurately, how they were *not* responding. In recent years,

giving parents a choice to send their child to another public or private school has been offered in some parts of the country as an alternative to remaining in a troubled school. With no less than 44 states introducing new legislation in 2008 alone regarding a variety of provisions for school choice for families, NC offers extremely limited alternatives for families with school children and none of those options includes a parental school choice voucher program (Kakadelis, 2008).

Whether by school choice vouchers, tuition tax credits or deductions, corporate tuition tax credits, privately-run charter schools, scholarships for children with disabilities, or scholarships for foster children, the intent of choice programs is to provide alternatives to families to best meet the educational needs of their school children. Most of these programs are foreign to NC families.

NC has permitted the establishment of public charter schools, which is a limited form of public school choice. Charter schools are nonsectarian schools that operate under the guidelines of individually designed charters, granting more autonomy and freedom from regulations than traditional public schools. Charter schools are held accountable for academic results and for fiscal responsibility, receiving most of their funding from state and federal resources, and charge no tuition to any student desiring to attend. With the first NC charter school opening in 1997, the cap of 100 schools mandated by the state's charter laws was quickly reached and many NC charter schools have waiting lists of students desiring entry (U. S. Charter Schools, 2002). Over half of the counties in NC do not have a charter school (Kakadelis, 2008). Most students in NC attend a local public school to which they are assigned.

Additionally, some NC school systems offer magnet schools, which are public schools with a subject theme or specific instructional emphasis designed to attract a more diverse student population. Sometimes magnet schools are open enrollment, but they can also use selective criteria for admissions or admit students by a lottery process (Chen, 2007). Although NC's public schools include charters and magnets, the state has never allowed any private choice options, such as a targeted parental school choice voucher program. School choice voucher programs in other states currently function mostly in inner city urban areas and offer educational funding to poor, mostly minority families. They are similar to other government funded means-tested programs, and thereby establish eligibility according to income level to serve the most disadvantaged families, and they are sometimes called targeted vouchers, low income vouchers, tuition vouchers or scholarship vouchers (Gillespie, 2005; Moe, 2001). The government currently operates over 80 such federal programs, such as Food Stamps, Medicaid, School Meals, and Housing Choice Vouchers (U. S. Government Accountability Office [USGAO], 2001a).

In light of the low-performing schools in NC and with various school choice programs existing around the country—many fledgling and others decades old—I wondered how political and educational leaders viewed a targeted school choice voucher as a potential policy for NC students. Approximately 200,000 children across the nation in 2010 enrolled in some variation of a school choice program. One state in particular, Wisconsin (WI), has led the country in establishing a voucher system that now has a 20-year history of operation which, by its own report, has seen growth and success in

Milwaukee, home to the country's 12<sup>th</sup> largest public school system (Alliance for School Choice, 2009; Center for Education Reform, 2010).

The Milwaukee Parental Choice Program (MPCP) is the largest and oldest voucher program in the country, dating back to 1990, and serving almost 20,000 students in 2008. The effectiveness and success of this program has been argued and debated, with disagreements over many issues, including funding, transportation, segregating effects, and realized gains in achievement (School Choice WI, 2009). School choice voucher programs like Milwaukee's, controversial and hotly contested efforts to give families a choice among several educational alternatives, are only found in a few other cities across America, and none in NC.

The present choice of reform for NC schools by the N. C. Department of Public Instruction (NC DPI) is to invest more funding and resources into the present system. One example of this is the current response to Judge Manning's rulings for Halifax County schools. NC DPI has a \$1.8 million dollar plan for the failing Halifax County School District, which includes professional development during the summer of 2009 for district staff, principals and teachers. Twelve special "master educators" will be hired to work with the classroom teachers of the 14 schools, as well as three "transformation coaches." Judge Manning rebuffed the school system for the ineffective use of the \$75 million spent the past three years, noting that 92% of the funding paid for non-instructional salaries (abc11-WTVD, 2009).

My study involved identifying, through the exploration of policies, politics, and key players, how school choice advocates in WI successfully advanced the MPCP in

1990, opening up public and private school options to low income families. Further, this study sought to understand what prevents NC legislators from considering a targeted school choice voucher proposal, twenty years after the MPCP legislation. While WI families have the opportunity with funding from the state to choose the educational provider for their child according to their own desires, families in school systems like Halifax County, NC, are assigned to failing schools and watch the state continue to pour funds into reform efforts without offering or providing families the alternative of their choice.

Although school choice vouchers are highly controversial, as the literature indicated, WI overcame the legal, political, financial, religious, and racial challenges to pass the necessary legislation for a voucher program which continues to operate today. One legal barrier was the Blaine Amendment in Wisconsin's State Constitution, named after James G. Blaine, Speaker of the House during the common school movement of the 19<sup>th</sup> century. Blaine attempted to secure a constitutional amendment that would prohibit public aid to nonpublic schools with the intent at the time of preventing Catholic schools from obtaining public funds. The amendment didn't pass, but many states, including WI, amended their own constitutions with language to accomplish the same purpose. Another barrier for WI was the strong teachers' union presence and power backing the public education system and standing to defend any perceived opposition to supporting public schools (Bolick, 2003; Merrifield, 2001; Teachers Union Facts, 2009).

In contrast, NC is one of only three states with no Blaine Amendment or other provision in the State Constitution forbidding compelled support. NC's educators'

association—known as the North Carolina Association for Educators (NCAE)—is bound by state law not to strike or engage in collective bargaining. I assumed in embarking on this study that the NCAE’s influence would not be comparable to that of WI, although I recognized that association leaders could be working quietly and undetected behind the scenes. Given that assumption, when contrasting these components of the legal and political environments of both states, it would seem NC might be the state to implement a voucher program rather than WI. I believed that a closer examination was needed (Bolick, 2003; North Carolina Teachers Union Facts, 2009).

### **Research Questions**

Knowing that targeted parental school choice vouchers were controversial, as evidenced by the literature, I identified a primary question to be answered by the WI data that would explain the dynamics—the policies, politics, and players—that enabled the MPCP to be successful. With that knowledge in hand, I turned my attention to the dynamics in NC to theorize why no voucher proposal had occurred there. I wanted to also discover if there was a NC debate and over what concepts. Finally, I framed a question directed to how educators in NC can use the results of this study to advance their own interests in parental school choice vouchers. Although all educators and policymakers can learn from the conclusions of the study, I particularly wanted to find implications for advocates of parental school choice vouchers. Consequently, my three primary research questions were worded as follows:

1. What areas of controversy were prominent in the Wisconsin voucher debate and how did the policy advance in spite of those controversial areas? What

theoretical framework regarding policy formulation helps explain what happened?

2. What political and policymaking factors explain the absence of a voucher policy in North Carolina? What areas of controversy have been prominent in voucher debates and through what means have opponents prevailed?
3. What can educators and policymakers in North Carolina learn from understanding six areas of controversy and the relevant theories developed about the policymaking dynamics of their own state? How can that new knowledge be used as they advocate for their own positions regarding targeted school choice vouchers?

### **Overview of the Literature**

The literature review gave evidence of a hotly debated topic involving conflicting interests and powerful political dynamics. Since Milton Friedman, conservative economist, proposed in 1955 that publicly-funded school vouchers should be used for students to attend the public or private school of their choice, vouchers have been the subject of many books, articles, proposals, and discussions in education and policymaking circles (Friedman, 1955).

Although critics considered Friedman's comments to be an attack on the public school system and traditional education, he believed it to be a viable solution, particularly as an economist interested in budgetary efficiency and the effects of competition by market forces on products. That education could be considered a product for consumers rather than a democratic responsibility for a civil society was enough for a debate to



ensue. Other concepts soon emerged as key to the controversy (Chubb & Moe, 1990; Greene, 2006; Henig, 1994; Kober, 1996; Smith & Meier, 1995; Witte, 2000).

Embedded within the literature are six key areas of controversy around which key voucher arguments and alliances have revolved. Each of these six key areas consistently surfaced as a source of conflict for opposing political interests: 1) the free market—the foundational ideological debate Friedman initiated releasing the responsibility of the state for the education of children to market forces; 2) the right of individual freedom of choice; 3) the search for improved academic achievement; 4) the legal objections, including church/state relations; 5) concerns about racial segregation and equity; and, 6) funding issues (Apple, 2000; Boggis, 1982; Bolick, 2003b; Chubb & Moe, 1990; Doerr, Menendez, & Swomley, 1996; Friedman, 1995; Henig, 1994; Kober, 2000; Moe, 2001; Viteritti, 1999; Witte, 2000).

The literature also illuminated the strange alliances and coalitions that have been forged in the battle for vouchers. Formerly opposed individuals and groups have allied ideologically with the concept of vouchers, even though they disagree on most other political philosophies and policymaking initiatives.

### **Research Design**

I used the generative approach of Grounded Theory (Glaser, 1995) to uncover archival, historical, and personal narrative data from WI and NC. Five relevant qualitative studies emerged from three different universities that greatly informed my WI research through meta-analysis. Meta-analysis is the process of reviewing several small-scale studies and integrating the findings to establish larger-scale determinations

(Bangert-Drowns & Rudner, 1991; DeCoster, 2004; Glass, McGaw, & Smith, 1981). The five previous studies allowed me to critically examine certain aspects of Milwaukee's voucher process and legislation according to each study's research questions and purpose. I also synthesized the findings of the five data sets which, together, addressed my own research questions. In addition to those studies, multiple articles and books, legislative records, and a key interview with Dr. Howard Fuller provided significant data in response to my research questions.

In NC, books and articles were helpful, as well as archived records, but the thirteen narrative interviews provided the bulk of the data and proved to fully saturate the concepts that had emerged. As my research questions indicated, I wanted to learn what elements or components existed in WI that are *not* present in NC, preventing the proposal of a voucher program there, or what dynamics were *not* present in WI that *are* in NC that explain the absence of a voucher program. This pursuit began with the study of Grounded Theory methods and ultimately led me into the study of policymaking frameworks and processes.

### **Overview of the Results and Implications**

The data from WI addressed each of the six controversial concepts, confirming the intensity of the debate as described by the literature. The most significant discovery, however, was that the strongest motivation for and purpose of the voucher legislation was the issue of social justice for a marginalized and underserved group of students and their families. Although the legislation's targeted group was mostly minority students, the target was based on city residency and socioeconomics.

The social construction policy framework (Schneider & Ingram, 1998), which conceptualizes four target groups for policy development—advantaged, contenders, dependents, and deviants—was applied to the data. The targeted, underserved population identified by the legislation was socially constructed as dependents, worthy of benefits, and in need of an advocate.

The data also indicated that the presence of an advocacy coalition, led by a politically strong individual, Rep. Polly Williams, was key to the success of the Milwaukee Parental Choice Program (MPCP). Necessary, too, was the merging of a problem (the low academic performance of the targeted group) with policy and political dynamics that made the setting ripe for legislative success for the voucher advocates.

Turning to the NC data, the historical and legal context proved to be different, leaving a negative connotation with minority families about school choice vouchers, since vouchers were historically associated with segregation or White flight. A 1994 Supreme Court Case, *Leandro v. The State of North Carolina*, brought attention to the issues of poor rural and struggling urban districts which claimed NC's funding system for education to be inequitable, although that charge was not the ruling of the Court. Test scores from those districts today continue to show disappointing results. Consequently, although many minority families don't want school vouchers, it is the districts where their children attend school that have persistently low achievement and high drop-out rates.

Within the NC political spectrum, the Democratic Party has been the dominant political party, almost exclusively, for over 100 years. The Democratic Party is strongly

associated with supporting public education and with backing the powerful North Carolina Education Association. Advocates of public education and the supporting associations are opposed to choice outside of public schools. This influence, combined with the above-mentioned historical factors, helps explain the absence of parental school choice vouchers.

The six controversial concepts from the voucher literature were strongly debated among my participants, to varying degrees, even though a voucher proposal has never made it to the floor of the North Carolina General Assembly. Inequitable funding was a significant concept with the interview participants in support of public education due to NC's constitutional method of funding public education, the remedies applied by *Leandro*, and the suggestion that vouchers would allow much-needed public funds to flow to private schools.

The conclusions of the study indicated that, once again, the social construction policy framework provides the theoretical explanation for what has occurred in NC. The members of the traditional K-12 public education community are socially constructed as an advantaged population with a positive, deserving status and political power and influence. The social construction of a deserving dependent group, legislatively targeted to receive benefits, has not been successful and hinders any interest in choice proposals. The problem—a targeted dependent population that is being underserved—must be identified and then successfully socially constructed as worthy of legislative action. Only then can an advocacy coalition form around a central, single purpose and the merging of problem, policy and political streams become possible. I contend from the data that such

a disadvantaged and deserving group does exist in the poor, mostly minority students of NC's inner cities and rural areas, as well as among the students with disabilities population.

The absence of a voucher proposal in NC can be theoretically explained by the absence of a targeted group, the absence of an advocacy coalition—spearheaded by a leader such as Polly Williams of Milwaukee, WI—and the presence of a strong mainstream education community that is politically represented by the educators' association and closely linked to the dominant Democratic Party.

### **Significance of the Study**

This study of parental school choice vouchers is of immediate relevancy as the debate swirls around us in education circles and other settings all across the nation. Voucher policies are innovative and controversial. Still, vouchers are being implemented in various school districts across the country and have shown some success.

This study is significant in identifying the key players who advanced the voucher movement in WI and in proposing a theoretical explanation for their success. By exploring the political climate of WI leading up to 1990, and through an examination of the development of policy and legislation surrounding the MPCP, this study reveals the critical factors that enabled a small percent of the students of disadvantaged families in Milwaukee to attend the school of their choice.

By contrast, this study then reveals reasons contributing to the absence of any such policy or legislation in NC. When faced with chronically low-performing schools and persistently high numbers of drop-outs, this study provides insight and explanation as

to why NC has not engaged in a rigorous parental school choice voucher debate at the state or legislative level. For students who attend underperforming public schools without any viable alternative, this study can give them and their families perspective about the controversy, inform them about voucher programs like Milwaukee's, and offer them a theory for change, if that is what they pursue.

NC policymakers, as well, will read with interest about the formation of policy in WI and better understand their own political context. Whether one is for or against vouchers, it is informative and enlightening to dissect the politically controversial context of a setting where vouchers were implemented. Bardach's (2009) explanation of successful policymaking, is that "a feasible policy must be politically acceptable, or at least not *unacceptable*," which would mean too much opposition or not enough support (p. 34). This study suggests that NC's voucher opportunities suffer from both—strong opposition *and* a lack of support.

Educators will learn from this study and gain a broader perspective of education policy in other areas of the country. The controversial concepts embedded in the literature surrounding school choice vouchers will facilitate the examination of one's own beliefs, ideology, and practical viewpoints regarding the many facets of society affected by such a policy.

In 2008, a young NC organization called Parents for Educational Freedom in North Carolina (PEFNC), formed in 2005, was conducting grassroots efforts to inform citizens about parental school choice issues. Darrell Allison, President of PEFNC, shared with me in August, 2008, that options such as tax credits may be more likely to find

acceptance in NC and would better the chances of creating a positive climate for school choice programs to be considered. Ultimately, according to Mr. Allison, the goal is not to replace public schools, but to provide alternatives and options, meeting the individual needs of each child and family (Haire, 2008).

The data from legislators in NC indicates that they have pursued tuition tax credits as a means to implement school choice, also believing that option to be more feasible and more likely to gain consensus. This study delves into why some choice advocates view tuition tax credits as a more feasible option, and it also indicates that vouchers are looking more and more feasible to other advocates. It reveals the players, the political arguments and alliances, and the influential factors that have helped to form and inform the stance that NC policymakers have taken. In light of the national controversy over school choice programs, there initially appeared to be little controversy in NC. However, this study sheds light on what is truly occurring.

### **Organization of the Study**

The chapters that follow fully lay out the details of this study, some chapters being more explanatory and others offering samples of the rich data and hotly contested issues surrounding vouchers. It begins with Chapter II and the description of the six controversial concepts that frame the central arguments in the literature. I drew upon the controversial concepts framework to sort and code data according to the Grounded Theory methods that are also described in that chapter (Creswell, 2007; Glaser, 1995). Chapter III provides the design of the study, describes the two research settings and introduces the interview participants. In that chapter, I tell what I set out to learn and

why, being forthright about my subjectivities as a researcher and my interest in parental school choice policies.

Chapter IV tells the story from the WI data in three parts. Part I describes the history and presents the problem in the Milwaukee Public Schools (MPS). Part II fits the data into the framework of the six controversial concepts from the literature. Part III offers the theoretical policy frameworks that have application to Milwaukee's voucher program.

Chapters V and VI share the NC data and analysis, giving the history, the political dynamics, and the legal actions that set the stage for the study. I also analyze the data through the framework lens of the six controversial concepts found in the literature, as I did with the WI data. Finally, Part II of Chapter VI outlines the policy framework that offers a theoretical explanation for the absence of a voucher policy in NC. The concluding chapter, Chapter VII, provides practical application of a theoretical framework for the future work of parental school choice advocates. The chapter closes by reviewing the limitations of this study, while also stressing its significance to understanding NC's educational policies and politics, and offering topics for future research.



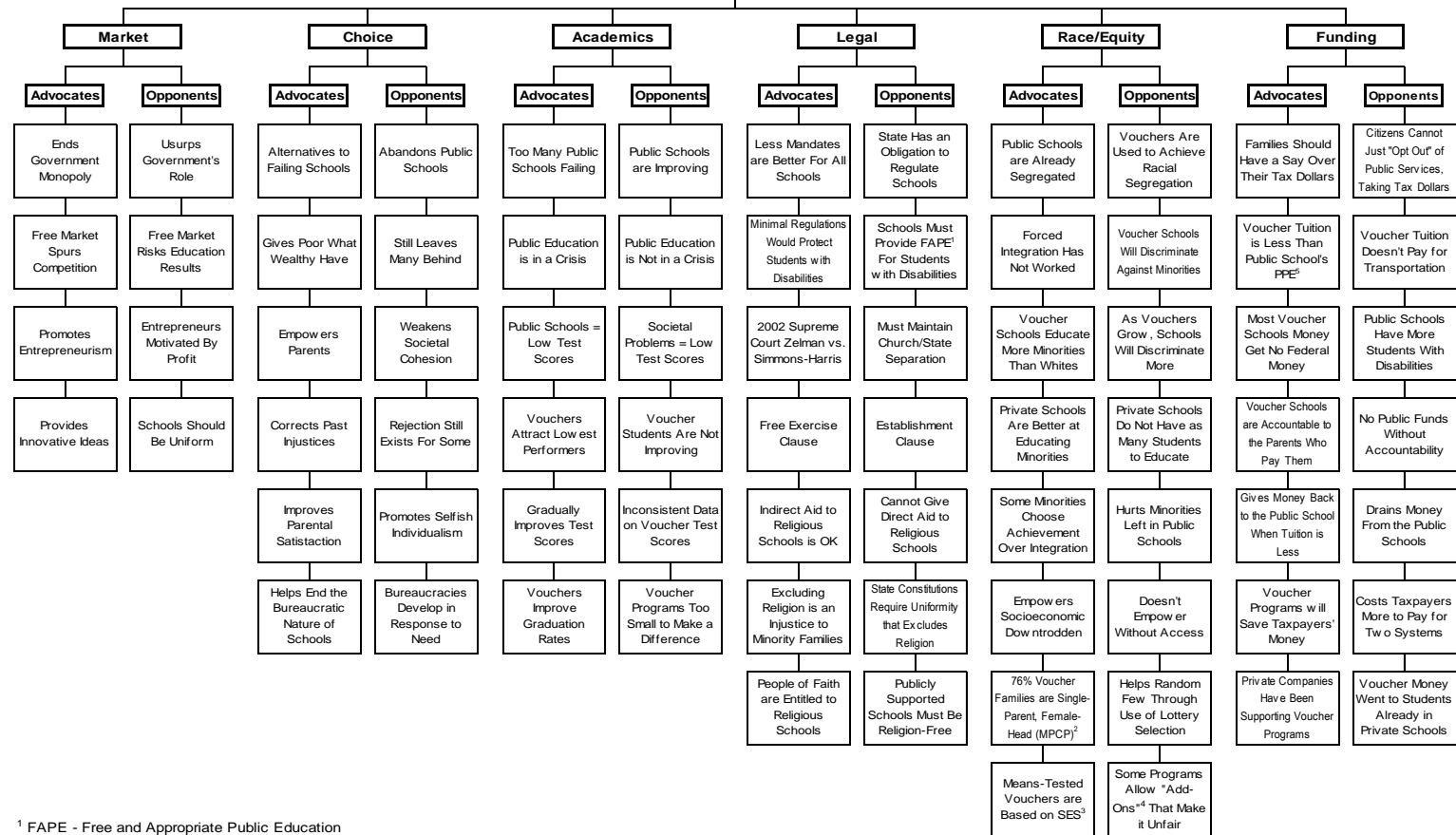
**CHAPTER II**  
**REVIEW OF THE LITERATURE**  
**FRAMED BY SIX CONTROVERSIAL CONCEPTS**

For the last thirty years or so, advocates of choice have come up with many voucher proposals, and the educational community has consistently and vehemently opposed them, portraying vouchers as the embodiment of everything that is threatening to public education (Chubb & Moe, 1990, p. 217).

An overview of the literature bears out the fact that controversy and heated public discourse have defined the school voucher movement in the United States since the 1955 proposal by the conservative economist, Milton Friedman, to use publicly-funded vouchers for students to attend the public or private school of their choice. Friedman's proposal has been seen by some as an attack to destroy public schools rather than a solution to the problems with public schools. The studies, reviews, books, and opinion pieces published in the five decades following Friedman's proposal have continued the ideological, political and, some would say, moral debate surrounding the use of public school vouchers.

The literature bears out the powerful political dynamics, the conflicting interests, and the opposing viewpoints that have defined the school choice voucher movement. Embedded within the literature are six key areas of controversy around which the arguments and alliances revolve as outlined in the framework in Figure 1.

**Figure 1: Six Major Controversial Concepts Embedded in the Literature**



<sup>1</sup> FAPE - Free and Appropriate Public Education

<sup>2</sup> MPCP - Milwaukee Parental Choice Program

<sup>3</sup> SES - Socioeconomic Status

<sup>4</sup> Add-Ons - Require parents to pay amounts more than the voucher amount; only some can afford to do that

<sup>5</sup> PPE - Per Pupil Expenditure

Each of these six key areas consistently surfaced as a source of conflict for opposing political interests: 1) the foundational ideological debate Friedman initiated—releasing the responsibility of the state for the education of children to the free market; 2) the right of individual freedom of choice; 3) the search for improved academic achievement; 4) the legal objections, including church/state relations; 5) concerns about racial segregation and equity; and, 6) funding issues (Apple, 2000; Bolick, 2003b; Campanella & Ehrenreich, 2010; Chubb & Moe, 1990; Doerr, Menendez, & Swomley, 1996; Friedman Foundation, 2008; Greene & Winters, 2008; Henig, 1994; Kober, 2000; Moe, 2001; Rouse & Barrow, 2008; Viteritti, 1999; Witte, 2000; Wolf, 2009).

Though steeped in controversy, strange alliances have been forged within the concepts of this framework by parties who were formerly ideologically opposed to similar ideas. Convolutional coalitions have formed among political and social groups that share elements of one particular ideology while disagreeing on others. The literature illuminates how coalitions sometimes agree on the same position for different ideological reasons. The resulting convolution of interwoven, conflicting philosophies increases the difficulty for any one ideology to prevail, since none is purely represented or agreed upon by a large enough faction.

This drives home the purpose of this study to identify how a particular ideology prevailed in WI to implement the MPCP program and how the absence of a similar forging of purposes in NC might explain the absence of any voucher policy.

The following literature addresses those six major controversial concepts of voucher programs. Though the concepts are broad, the literature helps to narrow it down

to the specifics that have been the source of controversy among voucher supporters and opponents who have competing interests. To varying degrees, those six broad concepts, and the controversial aspects of each one, relate to the absence of a voucher program in NC.

### **The Six Major Controversial Concepts**

#### **The Market Effect**

Friedman, the 1976 Nobel Prize winner, described a voucher system wherein parents would receive a voucher equal to the amount of per pupil expenditure for their school system. Parents could choose to use the voucher at a public or private school. Friedman asserted that a more efficient education system would result when parents could choose from the market rather than education providers being solely controlled by the government (Friedman, 1955).

#### **Friedman's Proposal**

When Friedman (1955) wrote *The Role of Government in Education*, he opened up a public discourse that questioned, some would say even attacked, one of the most fundamental institutions of our society, the public schools. According to Friedman, public schools, being funded and administered by the government, were suffering from an imbalance in the growth of government responsibility. Friedman asserted that the imbalance was evident in the failure to distinguish between what is appropriate for the government to finance and what is appropriate for the government to administer. He outlined a mixed system of educational institutions that would still include government-administered schools, but would also provide a host of alternatives created in response to

the market forces. Friedman believed that schools formed and influenced by communities and the families within, would align with the values and preferences of those families in the education of their children.

Friedman, a leading economist and advocate of free-market over government intervention, had his detractors, but he also was influential in his ability to provide intellectual foundations to proposed economic policies such as school vouchers and he framed the debate which would follow for decades to come (Coulson, 2006). His voucher proposal to put parents in the position of consumers ignited the ideological debate of allowing private entities and religious institutions to be involved in what has always been the function of government—the education of the masses. Voucher initiatives also delegate what the government sees as its responsibility to the unpredictable outcome of free enterprise (Friedman, 1955).

What Friedman advocated is called the free market approach to education, allowing education entrepreneurs to compete as providers and parents to select from a wide range of choices for their children. Market advocates support this concept to varying degrees (Chubb & Moe, 1990; Greene, 2006; Henig, 1994; Witte, 2000). Friedman's unbridled universal approach would provide unregulated vouchers to all school children with no conditions attached, allowing private entrepreneurs to be innovative and meet the demands of a diverse population of families. All vouchers program in operation across the country today are targeted to a specific, limited population. Although the qualifying word "targeted" is not always used, even in this study, most references to voucher programs infer a targeted population. The advocates of the various versions of a free

market approach to education providers include prominent Republican Party leaders, business groups, influential entrepreneurs, conservative groups, foundations and think tanks, and many in the private sector, including a growing percentage of minority parents of school children (Holt, 2000; McGroarty, 2001; Shokraii, 1996; Viteritti, 1999; Witte, 2000).

Chubb and Moe (1990), professors, authors, and researchers, proposed a quasi-market approach whereby all schools meeting the required criteria would be “public schools,” giving parents a system of choice without privatization of education. Chubb and Moe believed the current bureaucratic nature of schools as political institutions perpetuates the ineffective monopolistic governance impervious to the typical educational reform strategies of the past. The problem, according to Chubb and Moe, is institutional and must be addressed by institutional change.

### **The Market Approach and Its Impact**

Those who support the market approach to education—using vouchers to give families choice among public and private schools—list several benefits to families, education and society as a whole:

- stimulation for development and improvement of all schools;
- promotion of a healthy variety of schools;
- school accountability directly to parents (Friedman, 1955);
- parents’ selection of a school that teaches their values; power of choice shifted from the government to the parent (Moe, 2001);
- greater efficiency in funding and governance driven by competition; and,

- promotion of the principles of free enterprise, limited government, greater economic choice and individual responsibility (*Support Privatization*, 2008).

Opponents, however, have a problem with the market mentality. They assert that the education of our citizenry was never intended to be a “consumable, private good” and that it is not a suitable commodity for the theories of the free market to be effective (Kober, 1996, p. 7). They also espouse the belief that the free-market concept is a myth, since there is a limited degree of access to private schools. In the voucher programs across the country today, public and private schools are not required to participate and some families cannot afford the balance of tuition that is sometimes required to be paid (Kober, 1996).

In some voucher programs, when necessary, the use of a lottery system determines which students will ultimately have access. Although opponents use that fact as an argument against vouchers, they oppose expanding the current programs to allow greater participation and they disagree with Friedman’s belief that voucher programs should be designed to help all families instead of just those with low incomes (National Education Association [NEA], n.d.).

It is also argued that releasing the goals of education to the forces of the market assigns the responsibility to impart democratic values and the tenets of American democracy to private purveyors of academic instruction with diverse and sometimes opposing ideologies. Our society has a stake in the educational experiences of our students. Taxpayers would be forced to subsidize instruction that might be at variance with the aim of public schools (Doerr et al., 1996; Smith & Meier, 1995). In response to

those charges, voucher proponents claim that the public control of education is a political control which results in schooling that may or may not be representative of what citizens desire—citizens who are also taxpayers (Chubb & Moe, 1990; Merrifield, 2001).

### **What about Those Without “Market Power?”**

Another argument against the market mentality is that, in some instances, families are not made aware of the options available to them. Marginalized groups are not afforded the same access as more informed, resourceful parents. When information is made available, sometimes it is confusing and leaves them with unanswered questions and concerns (Cooper, 2005). The purported advantages of any free market are greatly diminished if potential consumers are denied access or lack the ability to make informed choices. Although Witte reported that in Milwaukee informal networks and a previously established system of information dissemination were already in place, information availability is an issue in many communities, favoring those with “greater economic and social resources” (Witte, 2000, p. 57).

Amy Stuart Wells (1991) noted several studies indicating that parents’ awareness of educational options and accuracy of information varied according to socioeconomic backgrounds. Elmore (as cited in Wells, 1991) described this “mechanism” as “‘market power’—that is, money, time, influence, and access . . .” (¶25), and he asserted that the level of power differed according to race and social class. It was noted in the study of the Alum Rock experimental project in California that, although information availability and accuracy was initially at lower levels for less educated and disadvantaged families, over



time these levels improved and the gap between advantaged and disadvantaged families lessened (Henig, 1994; Wells, 1991).

Forster (2006a) raised the issues of complicated application processes requiring various forms of documentation that are difficult for some families to produce, along with lengthy applications and looming deadlines. Forster also noted in the Cleveland voucher program that 44% of the initially approved parents who received vouchers in the Cleveland program did not use them due to the lack of knowledge that they had been approved. Ohio's Office of School Options failed to reach them, citing the high degree of mobility making it difficult to contact these families. Results such as these verify that true outcomes of the "market effect" are difficult to determine when the programs are targeted to a small percent of the disadvantaged, school-age population.

### **More Concerns about the Market Approach**

Smith and Meier (1995) saw another less-mentioned problem with the supply-demand aspect of marketing education: "If ... other demands prove profitable—religious, racial, or socioeconomic segregation—those too will be produced" (p. 127).

Opponents of a market approach to education cite several concerns relative to the impact on students, education and society:

- weakens or destroys public schools;
- violation of separation of church and state when parents choose religious schools;
- assistance to the affluent who can already afford choice;
- increased regulation of private schools, hampering their mission; or, providing private schools public funding with no requirement to play by the same rules;

- implementing a wholesale approach to changing the very nature of education with no empirical evidence to support claims (Doerr et al., 1996);
- increased segregation by race and social status;
- private schools would be selective and “cream,” or “skim,” only accepting the best students;
- causes taxpayers to pay for two systems of education (Kober, 1996); and,
- piloted voucher programs are just a way to eventually provide vouchers for everyone (NEA, n.d.).

Among the opponents of a market approach, even a targeted approach such as those existing in Milwaukee and Cleveland, are political groups such as American Federation of Teachers (AFT) and the National Education Association (NEA), education professional organizations such as The National Association of Elementary School Principals and the American Association of School Administrators, and leaders in the Democratic Party (Bolick, 2003b; NEA, n.d.; NEA, 2008; Viteritti, 1999).

Opponents to vouchers believe that education was never intended to be a commodity for the free market and that there would be limited access leading to greater inequalities in educational services. They insist that all taxpayer dollars should remain in the public system and educators should work to improve and reform the existing system as it is (Doerr et al., 1996).

### **Targeted, or Means-Tested, School Choice Vouchers**

Targeted, or means-tested, school choice vouchers limit the market effect and are philosophically and practically opposed to the concept of universal vouchers, which

would serve all families regardless of income. Other names for means-tested vouchers are targeted, disadvantaged, low income and scholarship vouchers (Gillespie, 2005; Moe, 2001). Friedman believed that means-tested vouchers were “charity vouchers” that would not bring about the reform that universal vouchers promised (Friedman, 2006a). It is believed by some opponents of targeted vouchers that the ultimate goal of voucher advocates is to completely privatize the K-12 education of America’s children with universal vouchers. However, it is targeted vouchers that were at the heart of my research as a potential consideration for NC when addressing schools that are severely underperforming. When I refer to voucher programs, it should be understood that I am referring to targeted vouchers.

The current programs in Milwaukee and Cleveland, the country’s two oldest voucher programs, are targeted programs with caps on participation and, as such, they provide little empirical support to the claims of market advocates, since they are not a model of free market forces. Still, the parents’ responses as “consumers” suggest high approval. Witte (2000) reported that parental support, participation, and satisfaction ran very high in the Milwaukee program, while Viteritti (1999) cited 79% of parents in the Cleveland voucher program as “very satisfied” with their voucher school.

Advocates of targeted voucher programs like the one in Milwaukee include citizens and leaders who believe the cause includes the humanitarian imperative to provide alternatives to low-income children in failing schools, as well as the imperative of social justice, in providing similar choices to children from all levels of society (Bast, Harmer, & Dewey, 1997).

The advocates are also providing preliminary reports that students who attend a chosen school through a voucher program are more likely to stay in school, thereby reducing the drop-out rate. Some assertions indicate that the drop-out rates in surrounding public schools improve as well (Gottlob, 2007).

Powerful forces battle on both sides of this controversial issue and the rhetoric is usually heated. In 2004, as the nation's capital launched a five-year federally-funded program to 2,000 low-income students, U. S. Education Secretary Dr. Rod Paige remarked:

This was a fiercely fought battle and the fight is far from over. . . . Opponents predicted charters would terminate public schools as we know them. They were wrong. Charters made the public schools stronger because they had to respond to the competition. Those opponents, I venture, will be proven wrong again: choice will save the public school system. These opponents—they are the real enemies of public schools. (Ed.gov, 2004)

Nevertheless, when President Barack Obama assumed office in 2009, he announced the D.C. Voucher Scholarship Program would not be re-funded, although he shared plans to allow current program participants to complete high school in the program (“A Reprieve,” 2009).

Voucher programs to date have been small and usually in inner city communities, such as the one in Milwaukee (MPCP) at the heart of this study. Moreover, these voucher programs do not produce results that are generalizable to the effects of the market as a whole to support or disprove market theories. Terry Moe (1995) asserted, “As the Milwaukee case graphically testifies—much of what they observe is due to the specific rules, restrictions, and control mechanisms that shape how choice and markets happen to

operate in a particular setting” (p. 20). Milwaukee’s voucher program is small and targeted, clearly directed at disadvantaged families whose children have no alternative when in a troubled school. The program relies on both public and private schools to serve those families.

### **The Right of Individual Freedom of Choice**

For the most part, it is the underprivileged parents in the U. S.—given their lack of financial resources—who have limited or no choice in the educational provisions for their children aside from public schools. The vast majority of inner-city minorities and urban and rural poor attend government-assigned schools where much of the school funding depends on the value of the real estate (Chubb & Moe, 1990; Viteritti, 1999).

### **“Choosing” To Break the Cycle of Poverty?**

School choice already exists for many Americans. Middle-class families many times choose their neighborhoods based on the quality of the schools, particularly seeking sufficiently funded and high quality public schools. Access to quality schools is mostly determined by economics and social class (Viteritti, 1999). Haberman (2003) asserted that “The seven million [diverse children] in urban poverty, disproportionately represented by children of color, attend school in the 120 largest school districts. Every one of these districts is a failing school system in which greater size correlates positively with greater failure” (p. 2). Most of these families are not there by choice and do not have the privilege of choosing.

In the 1991 Wisconsin Supreme Court's decision to approve the Milwaukee program of parental choice, these words defined the purpose of giving low-income parents the freedom to choose:

The program allows participating parents to choose a school with an environment that matches their child's interest and needs, and with a location that is convenient. If the school does not meet the parents' expectations, the parents may remove the child from the school and go elsewhere. (Bolick, 2003b, p. 42)

Additionally, with the Milwaukee school choice program as an example, Holt (2000) noted that most students participating in choice programs are from households with a single mother and are from failing public schools. Most of the students participating in the programs match the profile of students who ultimately become high school dropouts.

Single-parent, female head-of-households make up 70% of the voucher students in Cleveland and 76% of the voucher students in Milwaukee. These parents, most of whom have low incomes, previously lacked educational alternatives based on their restricted ability to choose good neighborhoods or pay private tuition (McGroarty, 2001). Holt (2000) believed that school choice can help "break the cycle of poverty" through "empowerment, economic stability, and cultural development" (p. 135). Holt described minority families in the Milwaukee school choice program who have "valued input in the process" and are now improving the quality of their students' lives and their community. This will ultimately bring "healthier communities, stronger institutions, higher quality of life, better educational offerings, and new jobs" (p. 213).

Viteritti (1999) noted that in 1997, 20% of American families chose their child's school, while 40% more chose their place of residence based on the quality of the school.

These data lead to the conclusion that some schools are to be avoided. The students attending those schools do not have the option of leaving. When poor families have been offered school choice, they overwhelmingly respond in numbers too large to be accommodated by choice schools, thereby necessitating the lottery selection of students in some instances.

Advocates for giving poor parents educational choice project that parents will vote with their feet, finding schools that are good for their children and resulting in the greater expansion of choices (Chubb & Moe, 1990; Henig, 1994; Kane, 2002; Metcalf & Tait, 1999; Moe, 2001; Viteritti, 1999). By giving parents the freedom to choose they have the opportunity to consider additional options and select the school that is best for their family. That empowerment is the first step to breaking the poverty cycle. Some parents have chosen public schools when their child was in a private school. As one parent noted, “Just because a school is private doesn’t mean it’s perfect” (McGroarty, 2001, p. 3).

### **Will Choice Break the Monopoly?**

Choice proponents contend that the bureaucratic nature of schools is part of the problem, where rather than being concerned with meeting the needs of individual students and responding to “consumers,” schools are more focused on satisfying central office mandates, union demands, board members, and political interests (Smith & Meier, 1995).

The argument that Friedman began in 1955 as he defined the bureaucratic nature of schooling and the negative effects of increased centralization on local school

effectiveness was reinforced over five decades later when he noted in 1995 that the number of school districts had declined “from 115,000 in 1925, to 55,000 in 1955, to 15,000 in 1992” (Friedman, 1995, p. 2). He asserted that burgeoning school systems with increasing numbers of officials, administrators, and oversight responsibilities have resulted in slow response to needs, lower performance of students, and the decreased ability to address local school concerns (Friedman, 1995).

Smith and Meier (1995) argued against the belief that it is the bureaucratic nature of public schools that make them unresponsive to parents’ and students’ needs. They raised the proposition that bureaucracies actually develop as a response to need and that when the bureaucracy appears to be the problem, it is more likely other variables associated with the circumstances, such as poverty.

However, some school choice advocates see the current public education establishment as a “monopolistic vise grip over American education” (Bolick, 2003b, p. xiv), a government monopoly in which the most disadvantaged families suffer the greatest. They believe that offering choices to those families, choices which could *include* public schools, would serve to impact the monopoly and the bureaucratic nature of public schools. The legal defense in the Milwaukee litigation in 1991 outlined three principles which would be supported by a market-driven system but were not focused on making a profit or segregating students. The principles related to providing parents autonomy as they made educational choices for their children, offering equal educational opportunities for all children, and securing the legislature as the appropriate avenue for these arguments, rather than the courts (Bolick, 2003b).



### **Opportunity to Choose or to Abandon?**

Critics of government-funded choices which include private and religious schools take issue with the fundamental concept of abandoning public schools and they raise specific challenges about the objectives and consequences of such practice. They assert that giving disillusioned parents a voucher to exit their public school doesn't help improve public schools. Although some advocates of choice say having increased competition will improve public schools, that assertion has not been substantiated (Kober, 1996; Witte, 2000). Even Friedman (2006), who supported a universal voucher, believed that targeted vouchers would not bring about reform for the public sector, but would only subsidize alternatives for some low-income families rather than meet the demands of all low-income families who would prefer choice options. When choice schools must resort to lottery selection due to limited capacity, many students with families who would prefer to exit traditional public schools are forced to stay (Viteritti, 1999).

Doerr et al. (1996) questioned what becomes of all the students who did not qualify to opt out of public schools. In the Milwaukee program, Witte (2000) reported an initial cap of 1% of the school population to participate, granting 900 students an alternative to their public school. What about the 89,000 remaining students? Or at least the 80% of those who are minority students? Or the almost 70% of students on the free lunch program? Apple and Bracey (2001) develop that argument further by noting that all the private schools in the nation could only accommodate about 4% of the public school

children. Should only a few be given the freedom to choose and what about the schools they leave behind?

Wells and Crain (1997) discussed minority families who sometimes end up “choosing not to choose” (p. 179). They suggest that with entrenched powerlessness determining other aspects of families’ socioeconomic situation, some minority families are not automatically empowered by a new choice program. In evidence cited from their study of the St. Louis public schools, the researchers explained that when parents felt incapable of making a choice, they “followed the path of least resistance” (p. 179).

Conservative critics of targeted vouchers directed to only low-income and minority students contend that such programs are more about resource redistribution rather than equal educational opportunities (Henig, 1994; Merrifield, 2001). Other critics posit the argument that a government-funded exodus from public schools transforms parents opting out of the public system into consumers who, at the cost of the democratic ideals of collective responsibility, surrender to “selfish individualism,” making unattached choices that may work for them but ignore the good of society (Apple, 2000, p. 3).

### **Academic Achievement**

Some opponents of school vouchers and other choice options for parents contend that there is nothing wrong with the public schools, at least nothing that can’t be fixed within the existing system itself. Smith and Meier (1995) believed that much of the hoopla about failing schools is the result of misleading information and skewed data. Various national reports cite SAT scores as evidence of the diminishing quality of public

education. Smith and Meier asserted that one can simply look at the changing demographics and the socioeconomic diversity of test-takers to account for declining test scores.

### **Public Schools are Fine; It's the Society That Needs Fixing**

As an educator, I have observed that the success of students, as well as the success of schools, is measured by more than scores on achievement tests. Still, achievement test data is used as one measure of the quality and effectiveness of academic instruction.

Schools are not only performing well, according to Smith and Meier (1995) they are improving. They cited the Council of the Great City Schools, which represents the 40 largest urban school districts in the country, reporting that urban schools are improving in areas such as early childhood programs, advanced course placement participants, trajectory of graduates to four-year colleges, and lessened drug and alcohol abuse.

In fact, Smith and Meier (1995) contended that the problem is not the schools, but rather it is the students, the families and society. They controversially blamed social problems such as crime, poverty, single-parent households, and teen pregnancies for failing schools and noted that the 1966 Coleman Report named socioeconomic considerations, family background, and cognitive abilities as the major determinants of student performance. Smith and Meier suggested that, in light of those findings, no educational policy will improve school performance, including school vouchers.

### **North Carolina Data Says Otherwise**

Voucher proponents are adamant that public schools are in need of repair. In NC alone, only about two-thirds of all high school students graduate and that number drops to less than half for African American males. Consequently, a current estimate of 715,895 adults, ages 20 to 64, are without a high school diploma, resulting in high costs to North Carolina in lost wages, incarceration rates, unemployment rates and public assistance programs (Gottlob, 2007). As the data cited earlier indicates, approximately 300 students are dropping out of school each day and of those who do graduate and go to community college almost 60 percent need remedial studies (EPE Research Center, 2010; North Carolina Education Cabinet, 2009). Thus, voucher proponents, rather than faulting the family or society, believe it's time to take a close look at the lack of alternatives to underperforming public schools.

### **Targeted Vouchers and Improved Academic Achievement**

Targeted voucher programs are aimed at improving academic opportunity for minority and poor students trapped in failing schools and, although some of the data collected demonstrate that voucher students are surpassing the performance of public school students, evidence that improved academic achievement would occur is inconclusive. Most of the data studied and reported covers the first five to seven years of programs that are now 14 to 20 years in operation (Apple & Bracey, 2001; Doerr et al., 1996; Ladd, 2002).

Bolick (2003b) admonished advocates of voucher programs:

We must not overpromise academic improvements. After all, many inner-city low-income minority school children are on a downward academic trajectory. It is an accomplishment if that trajectory can be halted or even slowed. Indeed, subsequent school choice studies have fairly consistently shown little academic progress for program participants in the first two years, but significant gains starting in the third, and accelerating in the fourth year of the program. (p. 39)

Metcalf (1999) also noted that in the Milwaukee program, voucher students who participated entered the program with significantly lower achievement levels in math and reading than their peers in public schools. Witte (2000) concurred with that assessment and added that, “In general, Choice students had prior test scores . . . below the low-income MPS [Milwaukee Public Schools] students” (p. 68). Dr. Kim K. Metcalf of Indiana University concluded that this program achieved its goal of “providing private school educational opportunities for the children of economically disadvantaged inner-city families” and it attracted the lowest achieving students (p. 5).

### **Inconclusive Academic Gains or Losses—But Satisfied Parents**

Witte (2000), in analyzing test data from the MPCP, which began in 1990 and did not include sectarian schools, noted that participation was capped at 1% of the Milwaukee student enrollment. With such a small initial database from which to make comparisons, Witte concluded that, during the period from 1991-1994, no significant statistical difference in achievement was evident. In 1995, sectarian schools were permitted to participate and Witte charged that further data comparisons with his study were invalidated.

While citing no evidence of improved academic performance in his study of the Milwaukee voucher program, Witte (2000) noted that parents of choice students, which were almost three-fourths African American, were very satisfied with the school of their choice and attitudes were extremely positive. The “two measures on which parents were least satisfied in the public schools—educational environment and discipline—were the areas of greatest satisfaction in the private schools” (p. 118).

The U. S. Government Accountability Office (2001b) pointed out that the academic performance measured in Milwaukee was during the first five years of the voucher program when participation was about one-tenth of what it later became and when religious schools were excluded. “The evaluation was terminated at the end of the school year 1994-95, and data on students’ characteristics have not been collected for an evaluation since then, nor has student academic achievement been evaluated” (pp.7-8).

Metcalf (1999), in analyzing research results as of 1999, noted that very little research on academic performance has been conducted and most interpretations are based on ideology rather than scholarly objectivity. Gerard Robinson (2005), of the Institute for the Transformation of Learning at Marquette University, surveyed the existing research on Milwaukee, Cleveland and Florida and reported that from about 2000 to 2005 efforts to conduct an independent study of the academic performance of students in the Milwaukee program had been blocked.

Robinson (2005) concluded that, although results are mixed on academic performance, several facts remain: (a) the voucher program provides an important

alternative for poor families, (b) no study has shown performance to decline in voucher schools, and (c) parents are highly satisfied when involved in a voucher program.

### **Other Performance and Outcome Concerns**

Studies by choice advocates point to evidence that private high schools produce greater academic gains than public high schools, that stronger civic values such as free speech, political participation, volunteerism, and the rights of others are more supported by students educated in private schools (Forster, 2006a), and that voucher programs so far have been aimed at low-performing schools, not the best public schools (Bolick, 2003b). Advocates also believe in the possibility that if competition works as expected, public school performance is affected by a nearby successful private school, improving outcomes for the public school (Smith & Meier, 1995).

Others are trying to measure the impact of voucher schools on the public schools. Witte (2000) found it impossible to determine the effects of the choice program on the public schools. He also determined that a comparison of student performance was difficult to ascertain and to interpret, but his conclusion was that performances were similar for choice and public school students.

Some scholars raise other important performance concerns about voucher programs that should be answered, including analyzing the long-term outcomes of graduation rates, college enrollments, and future wages (Rouse & Barrow, 2008). Many advocates assert that graduation rates are being affected by vouchers. The most recent research out of the Milwaukee program, conducted by John R. Warren of the University of Minnesota, has provided evidence that for 2003-2007 the voucher school graduation

rates were about eight percentage points higher than in the public schools. Warren pointed out that if the public schools had matched the graduation rate of voucher schools, they would have seen about 20% more graduates in that period. His findings also indicated that the students in the voucher schools had average household incomes 15% lower than the public schools students (Warren, 2008).

Kober (2000), in summarizing key findings from the programs in Milwaukee, Cleveland and Florida, determined that the effects on student achievement are inconclusive due to contradictions in studies. Kober challenged future studies to ask the questions of why some families don't apply for vouchers and why some students leave the program. She noted that more objective, valid studies are needed to determine if academic achievement is improved by voucher programs.

### **Legal Objections**

The concept of publicly funded school choice vouchers raises several legal challenges that must be resolved in order to fully satisfy the obligations of our governing institutions, which are accountable to all the public for the use of public resources and for acting in the best interests of all society and the general welfare of all citizens (McCarthy, Cambron-McCabe, & Thomas, 1998). Current voucher programs have faced multiple legal challenges and legislation and litigation will continue to define the progress of school choice vouchers in any state.

The legal challenges facing school choice vouchers include the legal obligations of the state to ensure an educated citizenry, to educate students with disabilities, and to



maintain a separation between church and state. The legal mandate to advance integration will be reviewed with the literature on racial segregation and equity.

### **Ensuring an Educated Citizenry**

Every state constitution requires its legislature to provide its children with a free public education, whereby all citizens would attain a certain level of learning and be inculcated with public values beneficial to society. With the coordinated, centralized functioning of government overseeing the education process, it can ensure the provision of “the common core of values deemed requisite for social stability . . . [which] strengthens communities and promotes harmonious social relations” (Coulson, 2006, p. 107). If the education system is opened to free enterprise, and private entities and religious institutions are allowed to provide education to the masses, the government’s ability to fulfill its obligation is weakened and, unless it imposes strict regulations, the government cannot even ensure that its educational mission is being accomplished. In fact, some believe that certain private and religious providers of education would indoctrinate their students with tenets and values that would harm societal cohesion and impede the purposes originally set forth in constitutionally mandated education (Doerr et al., 1996).

In addition, the doctrine of unconstitutional delegation law limits the ability of state legislatures to delegate what are core responsibilities of the government to private entities. In *Wisconsin v. Yoder*, Chief Justice Warren Burger asserted that, “Providing public education ranks at the very apex of the function of a State” (Kemerer & Maloney, 2001, p. 8). It is incumbent upon the government to protect its citizens against self-

serving actions that might prove harmful to the public good. In delegating the responsibility of education and to ensure the appropriate education of its citizens, governments must impose guidelines and regulations to guide the actions of private entities, thereby presenting a whole new set of challenges (Kemerer & Maloney, 2001).

### **Ensuring Oversight through Regulation: Public Accountability**

It is somewhat of a Catch-22 situation in which advocates of privatization find themselves. The autonomy of being a private enterprise and the lack of government regulation and determination enables private providers of educational services to market themselves to the public. Private entities have the freedom to implement instructional strategies and content of their own choosing and to espouse values in keeping with the community of citizens they serve. However, for the government to release the responsibility of educational services to these providers, it must ensure that certain provisions are met which involve mandating restrictions and requirements that could contribute to a negation of the very value the public saw in more autonomous private options (Kemerer & Maloney, 2001).

Michigan Supreme Court Justice Patricia Boyle, in a 1997 case involving a nonprofit corporation operating a charter school, noted the “tradeoff between accountability and autonomy”:

This case is about the inevitable tension that exists between the intent to create schools that are free from the burden of regulation in order to allow experiments in improved learning, and the constitutional imperative that public funds not be used for private purposes. (Kemerer & Maloney, 2001, p. 13)

In response to that regulatory tension and with concern that direct support to private secular or parochial schools might be denied with or without regulation, some advocates of school choice have introduced tuition vouchers and tax-relief measures which direct the tuition funds to the parents. The Minnesota State Supreme Court upheld a tax-relief program in 1983 ruling that, regardless of the type of school parents chose, defraying their educational expenses through a tax reduction was quite different from sending funds directly to a parochial school (McCarthy et al., 1998). This ruling offered hope to school choice advocates that parental choice tax dollars would flow to private and parochial schools without unwanted regulation.

The argument continues, however, that in a voucher program, private schools benefit from public funding but are not required to play by the same rules. The NEA more fully described the ramifications of that argument by itemizing the areas of autonomy that private schools enjoy: “who they teach, what they teach, how they teach, how—if at all—they measure student achievement” (NEA, 2008, ¶ 2). For public schools, however, these educational issues are mandated by other powers and authorities outside of the local school.

Voucher advocates respond by framing the issue of education regulation as being too much government control in local public schools, rather than trying to apply the same controls to private and religious schools. Federal mandates are seen by both sides as constricting to meeting local school needs and expending time and money on issues that are sometimes irrelevant to the local setting. Many advocates therefore argue that all

schools should seek to be freed from regulation, centralization, and politics (Bolick, 2003b).

Although the state is charged with ensuring an educated citizenry, it is also charged with guarding citizens' personal liberties and must not overreach its authority unreasonably without a legitimate state interest. In 1925, the Supreme Court determined in *Pierce v. the Society of Sisters* that the liberty of the parents had been violated when the state of Oregon required the children to attend public schools to comply with the compulsory attendance law. The Court respected the right of parents to control the upbringing of their children and stated that a fundamental liberty of the parents would be violated by "forcing [their children] to accept instruction from public teachers only" (Mead, 2008, p. 3).

Other court cases have likewise invalidated state regulations that threatened the liberties of private schools or the parents of private school students. The courts have ruled against regulations when they threaten the mission of sectarian schools or interfere with the parents' constitutional liberty to send their children to a school that agrees with their religious and philosophical beliefs (McCarthy et al., 1998). Wherever school vouchers are introduced, and the parents use public funds to make decisions about their children's education, the courts might have a greater interest in regulating the practices of the recipients of those funds.

### **Educating Students with Disabilities**

Legal concerns about school choice voucher programs also relate to meeting the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504

of the Rehabilitation Act of 1973, as well as the Americans with Disabilities Act, as they pertain to students with disabilities enrolled in private schools rather than public schools. It is estimated that approximately one in eight students has a learning disability resulting in an educational cost of 2.3 times that of regular students. Students with disabilities are guaranteed a free and appropriate public education (FAPE) along with every other child. However, once a student with a disability leaves the public school, the provisions change concerning access and programming, depending on the circumstances surrounding the placement of the student (Cullen & Rivkin, 2003).

Special education services are regularly contracted out by public schools to private providers. In these instances, the district and state are still held accountable for the FAPE of the students, although the private agency is held to a high degree of accountability and releases a significant portion of its autonomy to comply with disability law (Kemerer & Maloney, 2001).

However, when a parent chooses to place their learning-disabled child in a private setting, as many do in school choice programs, the provision of services is not comparable and the oversight is minimized, since the private school has not contracted with the public school to provide services. The public school is still required by IDEA to locate and confirm equitable access to services for students with disabilities enrolled in private schools and, under the 1997 amendments to IDEA, to allocate a proportionate share of their IDEA budget for those students (Cullen & Rivkin, 2003).

Critics of vouchers claim that students with disabilities will be left behind in school choice programs that allow private schools to be selective. Currently, over 4,300

private schools serve students with learning disabilities in the country and more than 4,700 serve students with medical needs (Center for Education Reform, 2005). Although the current voucher programs in Milwaukee and Cleveland are small programs, neither program is required to comply with the provisions of IDEA in keeping with the public school requirements (Kemerer & Maloney, 2001).

Conversely, the State of Florida developed a school choice program including private schools specifically to meet the needs of students with learning disabilities. The McKay Scholarship Program for Students with Disabilities began in 1998 with 970 students and currently boasts almost 21,000 students. Tuition for a 2009-2010 McKay voucher averaged \$7,144 per student and proponents point out the amount is far less than the public school per pupil expenditure on students with disabilities. They suggest that rather than go to court when parents are dissatisfied with the public school's services under IDEA, providing a voucher for the parent to choose another provider is a viable option that can circumvent an extended legal process (Greene & Winter, 2008; McKay Scholarship Program, 2010).

Mead (2008) offers several recommendations in response to the legal challenges raised thus far when considering school choice for the learning disabled:

- (a) All publicly funded choice programs must be accessible to children with disabilities, (b) Parents and children cannot be required to waive needed services in order to participate in the choice program, (c) A student's right to FAPE must be preserved in any choice program delivered in public schools, and (d) States need to determine which entity . . . will serve as the responsible local education agency for the purposes of IDEA. (p. 13)

Mead (2008) considered these recommendations to safeguard a voucher program against legal challenges. However, if a voucher program required all providers to comply with the federal legal requirements for students with disabilities, the segregation of those students is a concern of opponents; and without mandated compliance, the rejection of those students by private providers is a chief concern (Cullen & Rivkin, 2003).

### **Maintaining Separation of Church and State**

Some of the most heated arguments in the controversy regarding school vouchers and the inclusion of sectarian, or parochial, schools revolve around a section of the First Amendment to the United States Constitution which reads, “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof” (McCarthy et al., 1998, p. 27). Known as The Establishment Clause and the Free Exercise Clause, these clauses have been the source of much litigation. Just as the word “education” does not appear in the U. S. Constitution, the word “separation” does not appear in the First Amendment. At the time of the writing, education was mostly the domain of the clergy and functioned with local tax support (Viteritti, 1999)—not exactly a separation of church and state.

The phrase “separation of church and state” was taken from a letter written by Jefferson in 1802 and later quoted in a Supreme Court ruling in 1947 in *Everson v. Board of Education*, popularizing the “wall of separation” metaphor in our contemporary culture as a challenge to any government action that appears to establish, endorse, support, or in any way advance religion or religious practices (McCarthy et al., 1998).

In 1868, with the adoption of the Fourteenth Amendment, state action was limited to protect personal rights. The Free Exercise Clause of the First Amendment and the Equal Protection provided in the Fourteenth Amendment are sometimes invoked judicially and have served as a balance to the Establishment Clause. Supreme Court Justice White argued in 1971 for supporting students in parochial schools to protect their constitutional right to learn and practice the tenets of their faith. His was the minority opinion, however, in *Lemon v. Kurtzman*, which established the enduring three-prong “*Lemon test*” used as recently as 2002 in *Zelman v. Simmons-Harris* when the Supreme Court upheld the Cleveland voucher program (Viteritti, 1999). The 1971 Supreme Court decision in *Lemon v. Kurtzman* determined that in order for government action to avoid violating the Establishment Clause it must meet three criteria: be secular in purpose, neither advance nor impede religion, and avoid excessive entanglement between church and state (McCarthy et al., 1998).

In June, 2002, the U. S. Supreme Court ruled in *Zelman v. Simmons-Harris* that the voucher scholarship program in Cleveland, Ohio, was constitutional in its inclusion of religious schools. The Court’s ruling focused chiefly on the first two questions of the *Lemon test* and determined that the program had a clearly secular purpose of empowering parents and providing a wide range of school choice alternatives and that it was neutral in terms of religion (Vacca, 2002). Advocates of privatization, and particularly school vouchers, declared the decision to be “. . . the most important education decision since *Brown v. Board of Education*,” (Bolick, 2003b, p. 189) and believed that it “dissipated the largest single obstacle standing in the way of school choice” (p. 198).



Key implications gleaned from the Supreme Court's decision to guide policymakers who seek to advance school choice vouchers are to (a) make provisions for students in low-performing schools to have the choice of more effective schools, (b) study the specifics of programs that allow parents to choose from a wide range of alternative schools, (c) allow parochial schools to be among the many alternatives, and (d) make sure the program is aligned with state constitutional requirements (Vacca, 2002).

Many opponents of school choice vouchers believe voucher advocates are more interested in advancing religion subsidized by the government than they are in academic performance. Language from the 1947 Supreme Court decision in *Everson v. Board of Education* is aptly used to support their concerns. "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion" (Doerr et al., 1996, p. 38). Opponents contend that even if the funds are directed through parents before reaching parochial schools, the ultimate purpose is the same and is unconstitutional.

There are arguments for and against allowing vouchers to include religious schools. Three major arguments for excluding religious schools are (a) to avoid the "wall of separation" argument and move forward without legal challenges, (b) to only fund schools that align with the state constitutional mission, and (c) to maintain a uniform system of accountability rather than devising exceptions for religious schools (Kemerer & Maloney, 2001).

Three of the strongest arguments for including religious schools are (a) most of the available private schools are religious, (b) the concept of real choice for parents would be diminished if religious schools were excluded, and (c) it would be a constitutional violation of the right to freely exercise religion if religious schools were excluded (Kemerer & Maloney, 2001).

**Direct aid versus indirect aid.** Viteritti (1999) noted that with the *Meuller* Court ruling of 1983, a distinction was being made by the Court between direct aid to religious institutions and indirect aid which occurred through the individual private choice of the parent or student. Similarly, in 1986, when the Supreme Court allowed a blind student to use a public scholarship to attend a Bible college, the *Witters* ruling held that “the benefit is only the result of the genuinely independent private choices of aid recipients” (p. 140). Justice Powell outlined in that decision a set of criteria that the *Zelman* decision of 2002 referred to when defining neutrality concerning religion: “(a) the program is neutral on its face regarding religion, (b) funds are equally available to public and private school students, and (c) any aid to sectarian institutions is the result of private choices by individuals” (Viteritti, 1999, p. 140).

McCarthy et al. (1998) acknowledged that even states that specifically prohibit using public funds to aid sectarian institutions allow students in parochial schools to receive aid for various purposes. Through relying on the child benefit doctrine, the aid is deemed as direct aid to the student that indirectly could reach a sectarian school, if the student so chooses. About three-fourths of the states allow public funds to support

students in private and parochial schools, primarily in the form of transportation services, textbook loans, counseling and testing services, and special education services.

In addition to those forms of aid from the states, federal dollars have long supported students in religious institutions through Pell grants, GI Bill funds, day care vouchers, and other benefits that, through the independent private choice of the individual, were used in sectarian institutions (Center for Education Reform, 2005).

**State constitutions.** Advocates of school choice vouchers will now, after overcoming the hurdle of *Zelman*, face the constitutional provisions of each individual state. Litigation has already begun in some states concerning the current school voucher programs in effect. Most states have provisions similar to the First Amendment, many with even stronger language, and they generally fall into two categories: Blaine amendments or compelled support provisions (Bolick, 2003a).

In many states there exists very little case law interpreting the Blaine amendments or other provisions to indicate what challenges might be brought and how tough the litigation might be. Cohen and Gray (2003) suggest that eight states have Blaine amendments that could be permissive regarding state aid and seventeen states where Blaine amendments are restrictive. Ten other states' Blaine amendments are considered uncertain. Washington State's Blaine amendment reversed the previously mentioned *Witters* decision of the U. S. Supreme Court and denied the blind student public aid to attend seminary. Cohen and Gray (2003) charge that "these provisions [Blaine amendments] are remnants of nineteenth-century bigotry hamstringing educational reform in the twenty-first century" (p. 101).

Although the school voucher programs in Milwaukee and in Cleveland have successfully negotiated legal challenges based on their states' constitutions, Florida's Supreme Court ruled in January, 2006, that the Opportunity Scholarships Program (OSP), providing over 700 mostly minority students in failing schools with \$4,350 for tuition to change schools, is unconstitutional. The Court ruled that the program funded schools that were not "uniform," and therefore the program did not comply with the state constitution (Richard, 2008). Instead of ruling on the establishment question, as a lower court had ruled and as was expected in this case, the Florida Supreme Court found the OSP to violate the following language in Florida's Constitution:

It is . . . a paramount duty of the state to make adequate provisions for the education of all children residing within its borders. . . . Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools. (Supreme Court of Florida, 2006, p. 4)

This Florida ruling may be an indication that advocates for vouchers in other states will most likely face some particular provision in the state constitution, whether it is a church-state issue or one relating to other facets of education. Fifteen state constitutions make some reference to the requirement of uniformity. It is believed by voucher proponents that, since the U. S. Supreme Court has ruled against a violation of the First Amendment by school choice programs, opponents will focus on other constitutional language, such as the uniformity clause (Dycus, 2006).

**A final word on the church-state debate.** Viteritti (1999) charged that "church-state separation and forced secularism [in the public schools has been] a grave offense against Black civil society" (p. 205). He very effectively described the irony that in

America, which some say is the most religious nation in the world, the government demands exclusion of religion in public schools as a means of protecting religious freedom. Viteritti believes that the same zeal we exert in keeping religion out of public schools should be applied to offering alternatives for those families who value their religious beliefs and want their children taught according to their faith. He asserted that the pluralism of our society and the diversity of beliefs is exactly what prevents the establishment of one particular religion.

Religion plays a central role in poor communities and the lifeblood of many minority neighborhoods is the community church. Viteritti (1999) contended that those who oppose providing a choice to families that includes religious institutions simply don't understand the significance of the church in those families' lives. Church congregations have been particularly involved in the reclamation and restoration of inner city neighborhoods and it is "cultural myopia . . . to impose a secularist agenda on a community of people whose spirituality is a source of great strength" (Viteritti, p. 200). Viteritti set forth the strong argument that equality for the poor rests in the opportunity to make their own choices about education and for those choices to include religious schools.

Moe's (2001) study indicated that key priorities for parents choosing schools were the public school ideology, prayer in school, parental influence and moral values. Enrollment in Milwaukee's voucher program tripled in 1998 when religious schools were permitted to participate (USGAO, 2001b).

But many opponents are vehemently opposed to any entanglement of public funds with sectarian schools and religious instruction of any kind (Henig, 1998; Kober, 1996;

Moe, 2001). Some even contend that many religious schools balkanize our society and advance hostility toward opposing views (Doerr et al., 1996; Henig, 1998).

### **Racial Segregation and Equity**

There exists an historical connection between school choice and the desegregation ruling of the 1954 *Brown v. Board of Education*. Following *Brown*, many states enacted their own legislation, constitutional amendments, or other responses that allowed various versions of educational “choice” with the blatant, or sometimes more covert, intent of avoiding integration. The “Southern Manifesto,” the cessation of funding, the closure of schools, state-mandated segregation, minority-majority transfers, state tuition grants to nonsectarian private schools, and freedom-of-choice policies were all attempts by the South to fight school integration (Henig, 1994).

In efforts to abolish segregation in education following *Brown*, attendance zones were altered, racial quotas were used, White and Black students were bused, schools were consolidated, and by 1972 schools in the South were well on their way to meaningful integration thanks, in part, to a high degree of judicial intervention (McCarthy et al., 1998).

In 1974, Congress signed the Equal Educational Opportunities Act, entitling all children, regardless of sex, race, national origin, or color, to an equal opportunity in education. The Act also indicated that extraordinary measures by the government would not necessarily be essential in achieving racial balance. It asserted that racial imbalance in schools is not illegal and it encouraged less intrusive measures to achieve integration before resorting to busing as a remedy (Viteritti, 1999).

## **The Challenge of Integrating Without a “Race-Conscious” Policy**

Four decades after *Brown*, public schools across the country have seen varying levels of success with desegregation and in achieving greater equity in education. Although increased school integration continues to be a key goal of the public education system, many areas, and especially urban ones, remain highly segregated (Smith & Meier, 1995). In spite of court takeovers and mandated busing efforts to integrate public schools, most school children attend highly segregated schools (Merrifield, 2001; Viteritti, 1999).

Some empirical evidence suggests that racial segregation is reduced by private education.

It appears that public schools perpetuate and perhaps reinforce racial segregation in housing. Private schools, on the other hand, are able to draw students from across school district and attendance zone boundaries, producing somewhat less segregated learning environments. . . . One is much more likely to observe the voluntary mixing of students from different racial backgrounds in private school lunchrooms. That is racial integration where the rubber hits the road, where education can really affect social harmony. (Greene, 2006, p. 54)

Still, liberal interest groups such as the National Association for the Advancement of Colored People believe vouchers to be a strategy for White students to avoid integration (Moe, 2001).

Where federal legislation has seemed to fail in the forced integration of public schools, innovations such as magnet schools have flourished as diverse educational settings that draw students and their families to special programs according to interest. Oddly enough, these magnets have come under legal fire for discriminating according to

the Equal Protection Clause of the Fourteenth Amendment. Students have been denied admittance according to their race as officials have tried to achieve racial balance (Mead, 2008).

In *Parents Involved in Community Schools v. Seattle School District Number 1* in 2007, the Supreme Court, in examination of the parental choice programs in Seattle and Louisville, which were aimed at integration, found the race-conscious enrollment policy to be unconstitutional. In that determination, Justice Kennedy admonished, “This Nation has a moral and ethical obligation to fulfill its historic commitment to creating an integrated society that ensures equal opportunity for all of its children” (Mead, 2008, p. 19). The program in question was striving for racial balance and equal opportunity, but to do so required racial selectivity.

If legal mandates to integrate public schools did not prove lasting and attracting racial diversity paired with selective enrollment to achieve integration is unconstitutional, opening education to parental choice through vouchers presents multiple legal concerns regarding integration. Although courts have accepted a compliance level of integration that is far from complete, critics of vouchers charge that private schools will be race-selective, further resegregating society, and using public funds to do so (Harris, Herrington, & Albee, 2007). The Supreme Court has already ruled that private schools guilty of racial discrimination will be denied their tax-exempt status by the federal government. Yet, McCarthy et al. (1999) asserted that rarely has that ruling been enforced. If the use of targeted vouchers results in elitism and increased segregation, Justice Kennedy’s moral and ethical mandate to achieve an integrated society with equal



opportunity for all of its children is ignored. Critics of vouchers predict that ultimate outcome and urge support for public schools which have historically addressed equity issues, even if they could not always guarantee the outcome (Smith & Meier, 1995).

Nevertheless, offering means-tested school choice opportunities to poor and minority parents appears to be providing strong levels of both integration and quality education. Greene (2006) noted that “Empirical evidence also clearly supports the positive effect of private education on reducing racial segregation” (p. 54).

James Coleman, in his 1981 study of public, private and parochial schools, was one of the first to conclude that children in private schools were more likely to have classmates of another race and that poor Black children performed better in religious schools than in public schools (Shokraii, 1996; Viteritti, 1999). The data from the school choice programs in Cleveland and Milwaukee continue to provide evidence of choice schools more representative of city demographics than public schools. Whereas about 5% of students in Cleveland’s public schools attend schools that are racially representative of their city, almost 20% of the choice students attend such schools. In Milwaukee, after religious schools were included in the choice program, over two-thirds of the choice schools achieved integration voluntarily, while half of public school students attend racially isolated schools (Fuller & Caire, 2001; McGroarty, 2001; Parents for Educational Freedom in North Carolina, 2008; Walberg, 2007).

Private schools that are racially homogenous and the existence of or the misperception that private schools are enclaves for only elite White students is slowly shifting. National data taken in 2006 from a study of the 25 million students in 47,000

public and private schools indicated that the private schools were more segregated by only 2 points on the segregation index. On the secondary level, private schools were *less* segregated by 3 points. When narrowing the focus to Milwaukee and Cleveland, the location of two voucher programs, private schools participating in the voucher programs were less segregated by 13 and 18 points, respectively (Forster, 2006b).

### **Integration vs. Quality: Must We Choose?**

If the purpose and intent of the decision of *Brown v. Board of Education* was access to an equal education opportunity without regard to race, some educators believe that racial integration is not the priority. Not everyone believes that “sitting next to White students holds intrinsic advantages for Black students” (Viteritti, 1999, p. 32), and Justice Clarence Thomas opined, “It never ceases to amaze me that the Courts are so willing to assume that anything predominately Black must be inferior” (p. 32).

Wells (2006) defined the purpose and intent of desegregation efforts as having the opportunity to become a part of those schools with strong reputations, schools that open doors, schools where teachers are motivated and prepared, rather than seeking to sit beside the child of a certain color. What has been learned from past attempts to desegregate is that once students leave the educational setting so intentionally integrated, they enter a society with different priorities. Wells, Holme, Atanda, and Revilla (2005) advised that education policies do need to be concerned with desegregation, but such policies must extend to other institutions if the structure of our society is to be systemically altered.

Hoxby (2003) contended that the determination of student assortment as an outcome of school choice vouchers is an unknown that cannot be predicted. As one of the more complicated elements of student choice, student sorting is dependent on individual choices and institutional criteria whose convergence has been the focus of much conjecture. And, in fact, some opponents of choice contend that if choice schools increase, many of them will look similar to the elite private schools that currently exist, rather than the enclaves of integrated races that advocates purport (Doerr et al., 1996; Moe, 2001; Smith & Meier, 1995).

The possibility of a segregating effect remains a large issue with some opponents who associate the contemporary voucher movement with the tuition grant movement of the 1960s, a racially motivated response by White families to avoid integration. NAACP President Kweisi Mfume asserted that “vouchers don’t educate, they segregate” (Moe, 2001, p. 384). With this similar form of choice being rooted in a history of racial animosity, some believe that school vouchers today must provide protections against racial discrimination. Grassroots level supporters of the NAACP are some of the most ardent voucher supporters in the nation, creating a disconnect between the association’s leaders and some of the low-income minority parents they represent. Some believe that the upcoming generation of leaders who have had different formative experiences will more closely align themselves with the citizens supporting their association (Moe, 2001). Because voucher support runs highest among urban minority communities, voucher supporters believe this is an indication that racial prejudice is not what it used to be and that “school choice transcends racial boundaries” (Henig, 1994, p. 115).

Viteritti (1999) noted that support among minority families was growing every year, citing a virtual 50/50 split within the general population in supporting vouchers in 1997. In a national survey in 1998, 60% of Black parents surveyed indicated that they would switch from public to private if finances would allow. Minority families indicated that safety, large, impersonal schools that are dilapidated, and low academic achievement are concerns with inner-city schools (Viteritti, 1999). The strongest support for vouchers is found among African American parents (Walberg, 2007; Alliance for School Choice, 2007). Recent data show that among Blacks, 57% support a voucher program that would include private schools. The support grows to 74% when asking Black parents with school children (Harris et al., 2007).

One suspicion of opponents of vouchers is that conservatives, business leaders, and others who are so keenly interested in providing school vouchers for inner-city minorities are really focused on an ultimate expansion to universal vouchers for every child, regardless of race or need. In the past, some have considered that reason enough to deny a voucher for urban minorities in failing schools. Gradually, the news of existing programs, increased participation, and improved education for minorities is raising confidence among minority families in this new uncertain opportunity (Henig, 1994).

Witte's (2000) study of the MPCP indicated about 75% of the families served were African American, about 20% Hispanic, and the remaining families were comprised of White or other.

There is also a concern among minorities that private schools would discriminate and poor urban children would still be denied equal opportunity. This has not been the case in the Milwaukee program. The guidelines for admissions state:

The only information private schools can use to determine eligibility for the Choice program is . . . limited to household income and residency. Information about an applicant that a school may not use . . . includes but is not limited to an applicant's race, ethnic background, religion, prior test scores, grades or membership in the church parish. (State of Wisconsin Department of Public Instruction, 2008, p. 2)

These admission guidelines are clearly put in place as protection against discrimination by the participating voucher schools.

Many minority families continue to support integration in schools; however, they sometimes prefer their children attend neighborhood schools (which may not be racially integrated) as opposed to being transported elsewhere. One study conducted by the Public Agenda Foundation in 1998 reported that 80% of Black parents prioritize academic achievement over integration (Public Agenda, 1998).

Polly Williams, a single, African American mother of four, who depended on welfare at one time to help support the family, eventually served as the representative from her district in the WI State Assembly. Polly was a leader in the development of the voucher program in Milwaukee, supported by the unusual coalition of urban minorities, White conservative politicians, business leaders, and free-market advocates. Polly believed that her families and others like hers were entitled to the same thing middle class White families want: good schools in their own neighborhood (Bolick, 2003b). The Alum Rock project in the 1970s demonstrated that more than 70 percent of participating families

named location as an important criterion in their choice of schools. A location close to their home was the major factor for most families (Wells, 1991).

### **A Perplexing Political Dichotomy**

The minority families supporting vouchers are many times politically opposed by those who are considered champions of the downtrodden—leaders of the Democratic Party (Viteritti, 1999). Their opposing arguments have created somewhat of a dichotomy between political leaders and some of their constituents. The NEA is “considered the most entrenched opponent of choice” (Witte, 2000, p. 33) and is a powerful political force within the Democratic Party (Berkowitz, 2003; Brennan, 2002; Walberg, 2007; Witte, 2000).

Teachers’ unions and education associations like the NEA operate on budgets estimated at more than \$1.5 billion and they have a formidable presence at Democratic Party conventions. Their opposition to vouchers has been a key plank in the Democratic Party platform, which is regarded as giving a “voice to the voiceless” (Friedman, 2006a, p. 157). Still, choice advocates believe the “voiceless” families in inner city schools would benefit from being offered educational choices, citing polls that indicate such families are strongly in favor of vouchers, yet lack the means or power to provide this choice for their children (Friedman, 2006b).

The NEA states that:

NEA and its affiliates have been leaders in the fight to improve public schools—and oppose alternatives that divert attention, energy, and resources from efforts to reduce class size, enhance teacher quality, and provide every student with books, computers, and safe and orderly schools. (NEA, n.d., ¶ 2)

Leaders of the NEA, in their efforts to preserve and improve public schools, stand opposed to non-public alternatives for the above-mentioned reasons.

Merrifield (2001) contended that although the teachers' unions are the largest choice opponent, their membership is not as passionately opposed as the leaders. For some, this recurring political dichotomy explains the inability of vouchers to become widely accepted. Constituents of the Democratic Party, the urban poor and minorities, seek vouchers to rescue their children from failing schools, but the party leaders align with the unions and liberal special interest groups in opposing vouchers. Many Republican Party officials support vouchers as a means of applying the force of free market influences to reform public schools, but their middle-class suburban constituents are happy with their schools and are not pushing for change. On the one hand, each position seems appropriate—conservatives supporting market-based approaches, entrepreneurship, and diversification, and liberals looking to the state as the solution (Witte, 2000). But conservatives are advancing the cause of the disenfranchised and the liberals are opposing opportunity and empowerment for the poor and urban minorities. Political rifts within each party divide power and leave no clear coalition to advance or desist a voucher movement.

### **Funding Issues**

Student expenditures, percentages, subsidy amounts, budget items, parental income levels and costs of millions of dollars are quoted and supported with data from both sides of the school choice voucher debate. Irreconcilable contradictions characterize the projections and estimates of voucher advocates and opponents. Rather than dealing

with hypothetical projections, a look at the actual financial information from the existing voucher program in Milwaukee will at least give credible data for what has occurred in this isolated instance. The funding of any voucher program must necessarily be system-specific and uniquely structured by the state and community implementing the program.

### **MPS—A Look at the Numbers**

Henry M. Levin (1998), who is not a voucher advocate, performed a study of the costs of education in Milwaukee Public Schools compared to the Milwaukee voucher payment. When factoring out the costs of exceptional education and transportation, Levin noted that the estimates of the voucher payment and the attributed costs of public school did not vary that much. In reviewing Levin's study, Witte (2000) acknowledged that even though the costs were factored out of Levin's estimates, private schools "do educate some very slow learners who might well be labeled 'learning disabled' in the public schools" (p. 106). Witte asserted that private schools are able to hold down costs due to the lower pay scale of their staff as opposed to public employees and the fact that they are not unionized. Even with lower pay and lower costs, both the Milwaukee and Cleveland voucher programs were appropriated funds at a disproportionately lower rate than the public schools while serving a high number of disadvantaged students, placing the voucher program itself at a disadvantage (Fuller & White, 1995; Viteritti, 1999).

The bottom line for opponents is the concern that vouchers will drain money away from the public school system. Critics of vouchers decried that over \$58 million in taxpayer money was spent on the Milwaukee program in one year, 2001-2002, while serving 10,700. However, with a student enrollment of 87,000 and a \$1.1 billion budget,



the Milwaukee Public Schools educated about eight times as many students at about 20 times the cost. Also, with the average per pupil expenditure in Milwaukee Public Schools at about \$12,000, the tuition voucher of \$6,501 goes to the school of the parents' choice, with the public schools keeping the difference (Bolick, 2003b; State of Wisconsin Department of Public Instruction, 2008).

### **Costs, Savings, and Poverty-Level Eligibility**

In Cleveland, Ohio, where another voucher program was in place, the program was accused of merely supplementing families who were already paying private school tuition. The critics asserted in the 1999-2000 school year of Cleveland Scholarship and Tutoring Program (CSTP) that one out of three students participating in the voucher program was already enrolled in a private school before joining the program (People for the American Way, 2008). Although the guidelines may have changed, in 2008 the CSTP required that no more than half of enrolling students could have been previously enrolled in a private school. The average annual income level of families in the CSTP at the time was \$16,000 and most tuition costs of students previously enrolled in private schools were subsidized by private foundations and individual contributions (Friedman Foundation for Educational Choice, 2008).

A report by the United States Government Accountability Office (USGAO) found that "Ohio and Wisconsin use different methods to provide state funds for the Cleveland and Milwaukee voucher programs and spend less on voucher students than on public school students" (USGAO, 2001b, p. 4). Opponents disagree with that assessment and

contend that supporting a voucher program costs the taxpayers twice as much, paying for two systems (Kober, 1996).

When MPCP was created in Wisconsin Act 336 in 1989, three periodic evaluations were required in which funding was examined, as well as other aspects of the program. In the third evaluation conducted in 2000, the fiscal effects of the MPCP on the Milwaukee Public Schools (MPS) indicated that, although equalization aid was used for partial funding of voucher tuitions, the amount of aid used for each voucher student was less than the amount gained from the State funding. Equalization aid is used in WI to even out the per pupil property tax base differences between school districts. The evaluation also described changes in the school system's calculation of state revenue limits that allowed it to include voucher students in its reported enrollment figures (State of Wisconsin Legislative Audit Bureau 2000).

MPCP was originally funded solely by using the MPS state equalization aid until 1999 when WI modified the funding formula to pay 50% of the voucher costs using MPS state aid and 50% using state aid funds from all other districts in the state. In 2001, the formula was adjusted again, this time dividing costs between MPS and the state ("Milwaukee Parental," 2006).

It was reported in the Comprehensive Longitudinal Evaluation, 2009 Update, conducted by the Department of Education Reform at the University of Arkansas that the MPCP is saving the WI taxpayers money each year, although those savings are distributed unevenly among the various types of taxpayers. The 2009 Update indicated that an estimated \$37 million is expected to be saved in WI during 2009, and will grow in

relation to the growing MPCP enrollments each year, with MPCP students costing less to educate than MPS students. However, the Update also indicates that it is the Milwaukee taxpayer that suffers an adverse effect of the program with higher property taxes than they otherwise would pay, even though WI taxpayers and non-Milwaukee property taxpayers all benefit (Wolf, 2009).

Eligibility for the MPCP is determined by family income, not to exceed 175% of the poverty level which, in 2008, was set by the federal government at \$31,693 for a family of three (State of Wisconsin Department of Public Instruction, 2008). The disbursement of voucher tuition goes to the student's parent or guardian, who then endorses the voucher to the public or private school of their choosing. When using a school choice voucher in the MPCP, students cannot be charged fees for books, registration, computers, transportation, or any instruction and facility use. In the school year 2006-2007, with an estimated 17,000 students attending 125 choice schools, voucher payments to the schools totaled \$110,500,000 ("Milwaukee Parental," 2006).

### **Other Funding Concerns**

The ideological debate about the funding of school choice vouchers revolves around the use of public funding without public accountability for private schools, as well as the concept of publicly funded services, which does not allow citizens to "opt out" and take their tax dollars elsewhere if they choose not to use them (Kober, 1996). In practical terms, opponents take issue with the tuition of some schools being more than the voucher, with the option of parents to "add-on" to the voucher amount to pay more tuition, and

with the cost of transportation and sometimes the education of disabled students being left to the public schools (Doerr et al., 1996).

Critics contend that voucher programs exclude the learning disabled and are not required to provide special education services that are required of public schools. Jim Ward, the president of the National Coalition for Disability Rights in Washington, warns that the rights of special needs students are threatened by voucher programs (Miner, 2003).

A 2000 report by Public Policy Forum indicated that a significant number of voucher schools provide Title I services and small class sizes, but these are not considered special education services. It is believed by critics that although voucher schools do serve special needs students, it is most likely lower cost needs such as language, speech and learning disabilities (Miner, 2003).

It is illegal for voucher schools to discriminate against special needs students when admitting, but the legal requirement is for voucher schools to provide services that require minor adjustments to their program. The definition of minor adjustments may ultimately be decided by the courts (Miner, 2003).

Transportation costs are usually borne by the public school system or the voucher parents. Opponents to voucher programs contend that transportation costs will soar, since voucher schools may not be as close as the assigned local school and traditional bus routes would no longer work. The additional costs of transportation need to be examined more closely and considered in the overall impact of the voucher programs (Doerr et al., 1996). Information about additional transportation costs was sparse in the literature. With

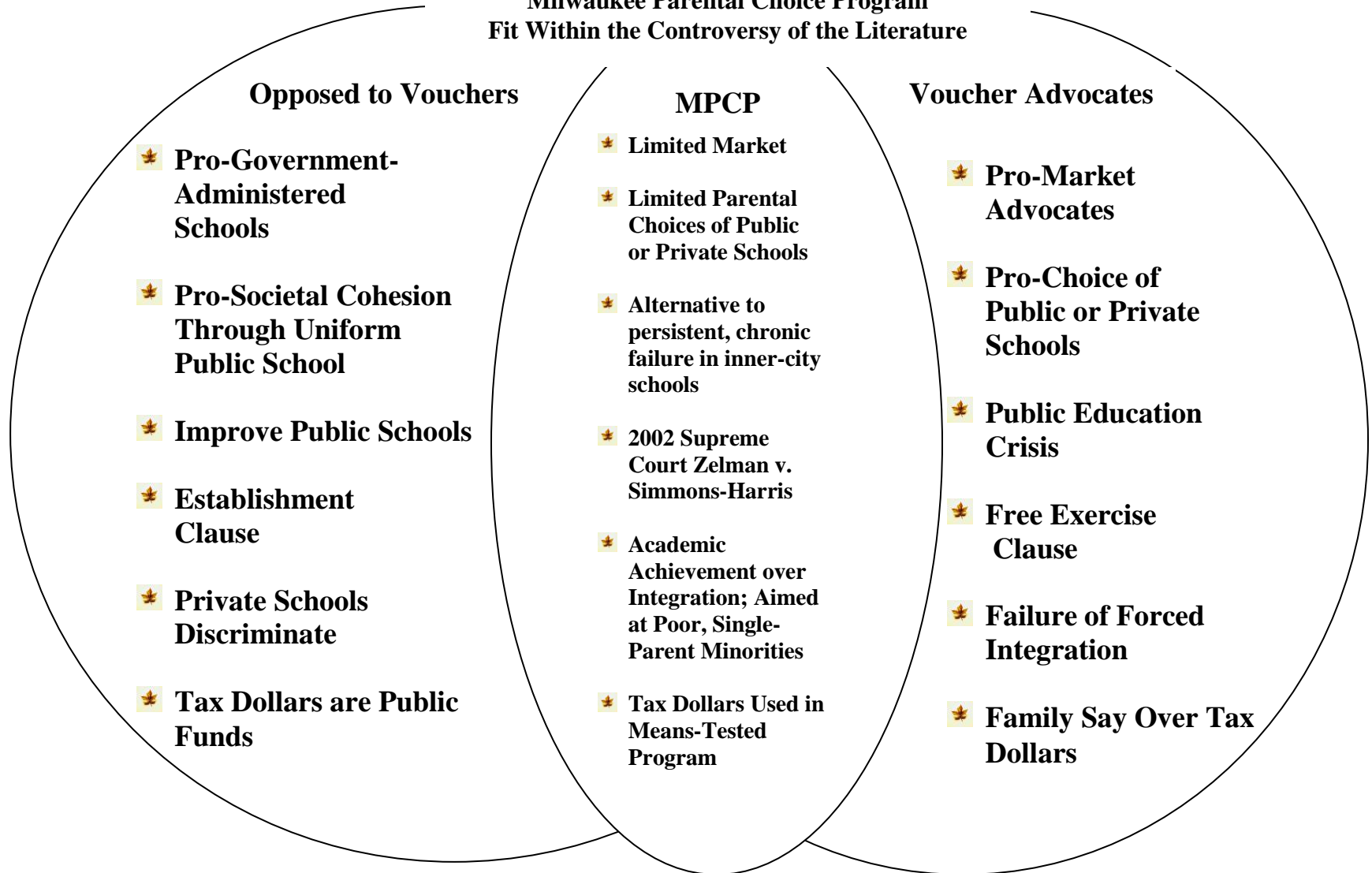
small targeted programs operating in various areas of the nation, and as school choice studies continue to be conducted, there is great need for more conclusive data about choice families' transportation needs and if and how such needs are addressed or left unmet by choice policies.

### **Summary of the Literature**

Upon reviewing the six major controversial concepts which form the framework for debate around the school choice voucher issue, my study sought to discover how these controversial arguments were ultimately compromised or unilaterally advanced to form educational policy in WI and also developed theory as to why NC has not witnessed a high level of public debate surrounding any of these voucher concepts.

On the surface, the MPCP appears to represent a convergence of competing interests described in the literature. The MPCP occupies a type of "middle ground" in each of the six controversial areas, illustrated in Table 1, which is simply my interpretation of how the controversial components from the literature were played out in the actual legislation. My study explored the specific controversy that took place in WI to learn what concepts would emerge as relevant to the opposing parties in that debate.

**Table 1. How Components of the Milwaukee Parental Choice Program Fit Within the Controversy of the Literature**



This study also identified the policy framework that resulted in the MPCP and whether the implementation occurred through compromise, convergence, or a political battle that perhaps left both sides dissatisfied with forced concessions.

One final piece of literature brought added insight into the school voucher debate *not* taking place in NC. Boggis (1982) explored a similar topic when writing her dissertation for the University of North Carolina at Chapel Hill entitled, “Educational Voucher: A Policy for North Carolina?” Boggis determined 28 years ago that school choice vouchers stood little chance of successful implementation in NC.

Boggis (1982) set out to answer the specific question, “How would current North Carolina education policy have to change if a voucher system for elementary and secondary education were to be implemented?” Her study concluded that a voucher policy would involve massive change that is not likely to occur in a highly regulated and change-resistant state like NC. Naming choice, competition, and diversity as the three primary effects of vouchers, Boggis contended that those interests conflicted with the other overriding interests of holding to existing practices and traditional concepts and to maintaining a uniform and stable public education system.

Boggis (1982), focusing more on the challenges of organizational change as opposed to the controversial nature of vouchers that I have explored, examined the current education policy in NC at the time and then proposed what a NC voucher policy might look like. The discrepancies found in that comparison and the change-resistant nature of the traditional policies in place were seen as large barriers to NC voucher implementation.

In conclusion, Boggis noted that voucher programs, as well as other school reforms, could be categorized as Doyle (1977) termed it: “a solution in search of a problem” (Boggis, 1982, p. 93).

As evidenced by the opposing viewpoints defined in the literature, the conceptual framework of controversy defining school choice vouchers summarizes arguments in six major areas, resulting in political positioning of mixed ideologies and convoluted coalitions that would otherwise be inexplicable. The framework of six controversial concepts in the literature includes the release of education to the forces of the free market, the individual freedom of choice, the search for improved academic achievement, the legal objections, including church/state relations, concerns about racial segregation and equity, and funding issues. The powerful political dynamics and the diverse interests involved in the conflict of school choice vouchers make a feasible and acceptable program seem unlikely. Yet, WI has developed just such a program and continues to maintain and support its operation. The question remained: Why is there no debate in NC?

### **Moving From the Controversial Concepts to a Full Theoretical Framework**

The six areas of controversy identified in the literature review helped to define the debate over targeted school choice voucher programs. What was not clear, however, was how such a program was implemented in WI, what controversial concepts were relevant to the debate in that state, and what theoretical framework of policy process facilitated the implementation of the MPCP.



Much of the data was drawn from archival and historical documents recorded over twenty years ago during the WI debate. However, a personal interview with Dr. Howard Fuller, Director of the Institute for the Transformation of Learning at Marquette University in Milwaukee, and co-founder of the Black Alliance for Educational Options, also provided critical insight into the political dynamics and the policy climate in Milwaukee at the time.

Since NC has no voucher policy in existence, rather than exploring theoretical frameworks that lead to enacted policy, I generated a theory to explain why there is no voucher policy debate. Again, archival and historical records provided preliminary data; however, personal interviews were vital to understanding NC's process, since data from key political players and policymakers led to an emergent theory explaining the voucher void. The systematically inductive approach of Grounded Theory (GT) was best suited for a study of this type and, in accordance with GT methods, I began with no theoretical assumptions about the process in either state's voucher debate.

### **The Use of Grounded Theory**

The six controversial concepts helped me to organize the literature and understand the competing interests of the national voucher debate. Still, I needed to undertake the study of WI and NC with a "clean slate" about what has occurred in each setting; thus, I became interested in the methodologies of Grounded Theory, sometimes referred to as "classic Grounded Theory (GT)" or "Glaserian GT" (Glaser, 2004, p. 2). Barney G. Glaser and Anselm L. Strauss are credited with the development of the GT methodology in 1967. Relying on an inductive form of discovery, GT generally consists of the

collection of data, conceptually coding the data, memoing about connections between concepts and articulating emerging hypotheses, constantly comparing the meaning of concepts, sorting of the theoretical memos, and writing up the subsequent analysis (Charmaz, 2006; Creswell, 2007; Glaser, 1995; Glaser, 2004). All of the GT steps lead to researchers developing original theory that is *grounded* in data and social phenomena.

The Grounded Theory Institute, the official web site of Dr. Barney Glaser and Classic Grounded Theory (2009) provides a concise and effective description of the GT methodology.

It is the systematic generation of theory from systematic research. It is a set of rigorous research procedures leading to the emergence of conceptual categories. These concepts/categories are related to each other as a theoretical explanation of the action(s) that continually resolves the main concern of the participants in a substantive area. Grounded Theory can be used with either qualitative or quantitative data. (Grounded Theory Institute, 2009)

GT methodology was best suited for my study as I sought to explain the implementation of WI's voucher policy and the absence of a voucher policy in NC. My study was initiated with no policy framework for WI's voucher legislation and no preconceived problems or theories about NC policymaking in general or the absence of the voucher policy specifically. Since many types of data are useful in GT, the archival research and historical analysis, combined with personal interviews, provided a generous amount of data for my concept generation, theorizing and comparative analysis.

Glaser (1978) noted that GT has a "strong productive emphasis . . . [that] assumes a future contribution to a field" (p. 7). Further, "the conceptual idea is its essence," and generating ideas through analyzing and thinking about the data will allow "core problems

and processes to emerge” (p. 5). “Good ideas must earn their way into the theory through emergence or emergent fit” (p. 8). With this in mind, although I referred to the controversial concepts from the literature as a framework for beginning the analysis of the data, I did not set out to prove that those concepts would be found in WI or NC data. While I was open to identifying new and different concepts, I was even more interested in theorizing about how and why certain political and socioeconomic dynamics have led to NC voucher absence.

Through the use of the GT methodology, my theory-building was grounded in ideas generated through thinking about the concepts that were produced as the data was constantly categorized and compared for a good fit. For instance, pieces of the WI data fit the concept of racial and/or social inequities and developed into a social justice theme, based on a disadvantaged population. At times other concepts were less salient.

My reading and thinking about policy frameworks led to the testing of the social construction policy framework, where a deserving disadvantaged population is assigned benefits through policymaking. As I continually categorized more data, the theme of social justice was saturated and the concept of the deserving, disadvantaged population of Milwaukee fit well within the social construction policy framework. This process helped to develop and establish emergent theories and then “test” them until theoretical saturation resulted in a substantive conceptual explanation.

Charmaz (2006) maintained the belief that we, as researchers, are part of the data we collect and we, by virtue of our interactions with people, our past and present experiences and our own personal perspectives and practices, construct our grounded

theories. I recognized as I collected and analyzed data, particularly in NC, that this statement applied to me as a researcher. I felt like I was part of the story; my life and my work is impacted by NC education policies. I was very interested in my participants' perspectives, wanting to stretch my own thinking and understand how other people think about the same issues.

Glaser (1978) authored a book entitled, *Theoretical Sensitivity*, in which he described the undeniable effect of the researcher on the methods.

Included at each state of generating theory is reliance on the social psychology of the analyst; that is, his skill, fatigue, maturity, cycling of motivation, life cycle interest, insights into and ideation from the data. Generating theory is done by a human being. . . . The analyst operationalizes the operationalizing methodology called grounded theory. (p. 2)

Accordingly, not only is subjectivity unavoidable to a degree, unrecognized subjectivities (the "social psychology" status of the researcher) are intricately integrated into the very processes of the methodology. With that understanding, I made efforts to be open to new ideas and conceptualizations emerging from the data. I repeated analytical processes, re-read memos, and searched for any differences from my initial responses. I sought to work when my mind was fresh, and I spent time deliberating over the fit of the data into each framework I considered to give opportunity for new insights to develop.

The process of collecting the data is described as a "zigzag" by Creswell (2007), who refers to the continual back-and-forth process of gathering data in the field and returning to the office for analysis (p. 64). Creswell advises that the zigzag process

should continue until the categories in the data have been saturated and a substantive theory has been fully developed.

Finally, Baker, Wuest, and Stern (as cited in Glaser, 1995), provide a concise and effective summary of what others have said about the credibility of Grounded Theory.

To be credible, the core variables, or theory, must be well integrated, easy to understand, relevant to the empirical world, and must explain the major variation in the process of phenomenon studies (Stern & Pyles, 1996); The theory must fit, have grab, and work (Glaser & Strauss, 1967); Fit means that the categories that are generated must be indicated by the data and applied readily to the data (Chenitz & Swanson, 1986); . . . To work, a theory should be able to explain what happened, predict what will happen and interpret what is happening (Glaser, 1978). (p. 48)

My GT methods produced exactly that: a theory that fit, with well-integrated core variables that, although they were introduced conceptually in the literature, also emerged in the original data. As a result, I developed a theory that explains NC voucher policy development and the absence of a voucher program, interprets what is now happening, and predicts what could happen next.

## **CHAPTER III**

### **METHODOLOGY AND RESEARCH DESIGN**

Emergent dissertations have an exciting element of risk. They are like going fishing, or bargain hunting in stores; the element of chance is an important part of it (Krathwohl & Smith, 2005, p. 122).

#### **What I Wanted to Learn**

By studying the policy and politics of two contrasting situations and locations, I am able to offer explanations and understanding about why NC chooses other forms of reform in the face of K-12 educational challenges. The theoretical framework for policy that emerges from the WI data offers insight and a possible explanation for the voucher void in the policy making and political posturing of NC. Further, it explains why there has been minimal public debate and controversy in NC, even when edicts like Judge Manning's, mentioned in the Chapter I, are handed down to struggling school systems (North Carolina Justice Center, 2009).

#### **How This Study is Different**

This policy study's purpose was to identify the politics at work that advanced the voucher policy above the legal, social, economic, racial, and even academic barriers documented in the literature, to become a viable and established policy providing alternatives for disadvantaged families. Unlike other studies designed to determine if voucher programs were academically successful or economically feasible or racially

emancipating, this policy study examined the origin of the policy in WI and compared and contrasted the politics that implemented a controversial, unproven program in one state while another state appeared to have ignored the alternative altogether. This study is unique in that it seeks to explain the *absence* of a policy in North Carolina.

## **Research Questions**

### **Primary Questions**

Upon understanding the intensely controversial nature of targeted school choice vouchers and recognizing the implementation of the MPCP 20 years ago, the primary questions addressed in this study were:

1. What areas of controversy were prominent in the Wisconsin voucher debate and how did the policy advance in spite of those controversial areas? What theoretical framework regarding policy formulation helps explain what happened?
2. What political and policymaking factors explain the absence of a voucher policy in North Carolina? What areas of controversy have been prominent in voucher debates and through what means have opponents prevailed?
3. What can educators and policymakers in North Carolina learn from understanding key areas of controversy and the relevant theories developed about the policy-making dynamics of their own state? How can that new knowledge be used as they advocate for their own positions regarding targeted school choice vouchers?

## **Secondary Questions**

In an effort to fully understand specific details surrounding the existence and the contrasting absence of the school choice voucher policy in the two states, supporting questions to further the investigation were:

1. What policies, political factors, and key players made a voucher program a reality in Wisconsin?
2. What areas were controversial and what explains their resolution? Can a substantive theory be developed that explains the theoretical framework of the policy formulation? If so, what is that framework?
3. What evidence can be found that policymakers and leaders in North Carolina have engaged in the debate over school choice vouchers? What concepts emerged from the data?
4. What policies, political factors, and key players are absent in North Carolina to advance a voucher policy or which ones can be credited for the absence of a voucher policy in North Carolina and how did they prevail?
5. What theoretical framework for policy formulation has dominated the North Carolina's education reform decisions, if any, and how has that framework affected the absence of a voucher policy debate?

## **A Brief Overview of the Research Settings**

### **Wisconsin**

Wisconsin (WI), nationally known for the production of cheese, is one of the leading agricultural states in the country. Over half of WI's agricultural revenue is



attributed to dairy products, produced by the one million or more cows housed in approximately 17,000 dairy farms. Little wonder the state is sometimes referred to as “America’s Dairy Land.” Corn is the leading crop, but WI produces soybeans, potatoes, cranberries, hay, and oats as well. The state’s economy is also driven by manufacturing, health care, and a strong tourist industry (*Advancing rural*, 2009; *Wisconsin economy*, 2009; *Wisconsin manufacturers and commerce*, 2009).

Although almost one-half of WI’s land area is forests, the resorts and family attractions across the state make tourism the third largest industry. The capital city of Madison is home to the University of Wisconsin at Madison. A second state university is located in Milwaukee. Miller Brewing Company, the country’s second-largest producer of beer, is headquartered in Milwaukee. Milwaukee is the home of key financial centers, as well, with the state’s two largest banks and one of the largest insurance agencies located there (*Wisconsin economy*, 2009; *Wisconsin manufacturers and commerce*, 2009).

Although almost 15% of the residents in WI indicate no religious affiliation, Christianity is the dominant religion with about 55% Protestants and 30% Roman Catholics. Only 1% of the state’s population indicates a religious affiliation other than Christian (Pew Forum, 2009).

With a population of over 5.5 million, WI is home to about 345,000 African Americans (about 6% of the state’s population), almost 75% of whom live in Milwaukee. African Americans in Milwaukee comprise about 39% of the city’s population (*Wisconsin fact sheet*, 2009).

WI reported a gross state product of over \$240 billion in 2008, with the latest figures from 2006 indicating a state-wide median per capita personal income of almost \$35,000. WI reported a state poverty level between 9% and 11% during the years 2002 through 2007 (*Poverty and income*, 2008).

Although WI is a Midwestern state bordering on the Great Lakes and known for farming, over 56% of the state's school children attend urban schools, and the state's largest city, Milwaukee, is home to the largest school district in the state, Milwaukee Public Schools (MPS) (*Advancing rural*, 2009).

WI maintains over 2,240 public schools serving more than 876,700 children, with estimates of 77% White, 11% African American and 7% Hispanic. The student poverty rate (children ages 5-17 living beneath the Census Bureau's poverty line of \$20,050 for a family of four) was reported at 13% in 2007 as WI public schools served 31% of students free and reduced price lunches. WI reported a per pupil expenditure of \$10,367 that year, ranking the state 16<sup>th</sup> among the nation (*Wisconsin K-12*, 2009; *State education data profiles*, 2007).

The WI Department of Public Instruction is headed by a State Superintendent, who is served by Cabinet members and Assistant State Superintendents. Educational opportunities in WI are widespread and diverse, including the two major state universities, the University of Wisconsin at Madison and at Milwaukee, and numerous public and private school options for elementary and secondary education. In addition to the MPCP enacted in 1989, Milwaukee operates a public school open enrollment

program, a charter school system, and virtual charter schools (*Every child*, 2009; *Public school*, 2009).

Academic Achievement in WI as measured by the National Assessment of Educational Progress (NAEP) for 2007 indicated 47% of 4<sup>th</sup> graders proficient in Math and 36% proficient in Reading. At the 8<sup>th</sup> grade level, 37% were proficient in math and 33% in Reading. WI reported a state graduation rate that year of 89% (*Wisconsin K-12*, 2009).

Over 98% of the school systems in WI are unionized. The Wisconsin Education Association alone took in over \$20,000,000 in revenue in 2003, with the Wisconsin Federation of Teachers reporting over \$3,000,000 that same year. Numerous other local unions and education associations are actively working across the state to support teachers and the issues that are relevant to them. Union law in Wisconsin permits collective bargaining and other interventions on the part of the association for its members. The result is a union that is more active at the micropolitical level—in a bottom-up way—than in states that are more restrictive on unions’ actions (*Collective Bargaining*, 2010; *Wisconsin Teachers Union Facts*, 2008).

WI politics were originally dominated by the Democratic Party, until the Republican Party formed in the late 1850s and gained a prominent hold. Voters are not required to register in WI, but the state indicated 3,045,730 voters registered in 2002. The state in recent years has experienced somewhat of an overall balance of power between the two major political parties (*Wisconsin political parties*, 2009).

In the last six presidential elections, voters chose the Democratic candidates, and Madison and Milwaukee, the state's two largest cities, are considered Democratic strongholds. More rural areas are more politically diverse across the state. The Republican governor, Tommy Thompson, was in office in 1989, when the MPCP policy was enacted, and still held that office in 1996 when he introduced the new welfare reform plan called Wisconsin Works. Thompson went on to win an unprecedented fourth term as Governor (*Wisconsin political parties*, 2009).

### **North Carolina**

North Carolina (NC), known for its agriculture and manufacturing, has experienced a decline in both industries in recent years, due to outsourcing of jobs to other countries, particularly in textiles and furniture. The state's economy is heavily driven by tobacco, dairy farming, and several key crops. NC is on the Southeastern coast of the United States and has a diverse population and economic base across the coastal, piedmont, and mountain regions. Although the larger cities of Charlotte, Raleigh, and Greensboro have experienced growth over the past few decades, due in part to the rapidly expanding information and technology, banking, and finance industries, almost half of the school children of NC still attend rural schools (*North Carolina economy*, 2009; *Rural schools*, 2009).

NC's population registered over nine million in 2008, with African Americans accounting for nearly one quarter of the population. The largest city of Charlotte boasts a population of over 640,000 residents, and the metropolitan area of Charlotte—

Mecklenburg County and the surrounding towns of Gastonia and Salisbury—is inhabited by more than 2.3 million people (*North Carolina fact sheet*, 2009).

States in the South are known to be deeply religious and historically Protestant in religious affiliation. NC is no exception, with 84% of the population identified as Christian in 2007, 9% of which are Roman Catholic. Still, a full 12% of the population reports no religious affiliation (Pew Forum, 2009).

The gross state product for NC in 2008 was over \$400 billion, making it the 9<sup>th</sup> leading state in terms of gross state product; however, latest figures from 2007 indicate over 14% of NC residents live in poverty and the per capita personal income reported in 2006 was just over \$32,000, several thousand below national figures (*North Carolina fact sheet*, 2009; *Poverty and income*, 2008).

NC maintains over 2,500 public schools serving more than 1.5 million children, with 2007 estimates of 56% White, 29% African American, and 10% Hispanic. The student poverty rate (children ages 5-17 living beneath the Census Bureau’s poverty line of \$20,050 for a family of four) was reported at 18% in 2007 as NC public schools served over 43% of students free and reduced price lunches. NC reported a per pupil expenditure of \$7,878 that year, ranking the state 43<sup>rd</sup> among the nation (*North Carolina K-12*, 2009; *State education data profiles*, 2007).

The Public Schools of NC have local boards established within each of the 115 school systems, served statewide by the State Board of Education. Those 13 board members are appointed by the Governor; however, the State Superintendent of Public

Instruction is elected by citizens and leads the State Board (*North Carolina public school facts*, 2009).

Academic Achievement in NC as measured by the National Assessment of Educational Progress (NAEP) for 2007 indicated 41% of 4<sup>th</sup> graders proficient in Math and 29% proficient in Reading. At the 8<sup>th</sup> grade level, 34% were proficient in Math and 28% in Reading. NC reported a state graduation rate that year of 69% (*North Carolina K-12*, 2009).

Over 97% of school systems in NC are non-union. Although there are active education associations across the state, the reported revenue, corresponding with membership and support, pales in comparison to some other states in the nation. The North Carolina Association of Educators indicated revenue in 2003 of \$9,238,704, while the American Federation of Teachers in North Carolina reported \$32,050. With collective bargaining and teacher strikes for demands being against North Carolina's association and union regulations, these entities operate in a more macropolitical and top-down sense, applying their influence on legislators and political elections in efforts to direct policy (*Government Relations*, 2010; *North Carolina teachers union facts*, 2008).

Smart Start, a state initiative begun in 1993, was established as a public-private partnership to provide family support services, children's health services, and quality day care for pre-school children, all in an effort to improve school readiness across the state. The program has been consistently funded by the state legislature each year, which requires Smart Start leaders to raise \$1 for every \$10 contributed by the state (*Funding*, 2009).

In 2005, North Carolina established an Education Lottery, which is overseen by nine appointed commission members. The lottery reports a total sales revenue of \$3 billion since its inception, with an all-time high annual sales of \$1.293 billion in 2009. After disbursements according to budgetary obligations, the lottery transferred a net revenue of \$394 million to education expenses (North Carolina Education Lottery, 2010).

NC politics were dominated by the Democratic Party for much of the 1900s, during which time many African Americans and poor Whites were denied the right to vote. Gradually, the Republican Party gained strength and in 1968 NC elected a Republican governor and senator, as well as helped Richard Nixon gain the White House. However, NC was led by Democratic Governor James B. Hunt from 1977 to 1985 and from 1993 to 2000. Although the two major parties vary in strength across the state, voter registration in 2002 indicated 5,058,021 voters, with 53% Democratic, 34% Republican, and 14% unaffiliated with either (*North Carolina political parties*, 2009).

The significant differences between the demographic, educational, and socio-political environments of the states of WI and NC were contributors to key factors in the presence and absence of a school voucher policy. Yet, the two states also share some similar challenges that many states face in adequately educating a diverse student population.

## **Key Terms**

### **Parental School Choice Vouchers**

For the purposes of this study, I used the phrase parental school choice vouchers to refer to targeted, or means-tested vouchers, which are philosophically and practically

opposed to the concept of universal vouchers that apply to all families regardless of income. Other names for means-tested vouchers are targeted, disadvantaged, low income, and scholarship vouchers. There are more than 80 means-tested federal programs currently established, with varying eligibility requirements based on income, assets, and family size, including Food Stamps, Medicaid, School Meals, and Housing Choice Vouchers (Gillespie, 2005; Moe, 2001; USGAO, 2001a).

### **Politics**

Merriam-Webster defines politics as the “competition between competing interest groups or individuals for power and leadership (as in a government)” (Merriam-Webster Online Dictionary, 2009). In referring to the politics surrounding the school choice voucher debate, I mean the competing interests and ideas of individuals or groups in educational or governmental leadership and the activities involved as one group attempts to influence, compromise with, or prevail over the interests and ideas of the other.

### **Policy**

Through the literature, education policy can be understood as “a detailed prescription for action aimed at the preservation or alteration of educational institutions or practices” (McLaughlin, as cited in Bridges & Watts, 2008, p. 5). In the exploration of policy for this study, I viewed policy as the legally prescribed action taken to affect educational practices based on the values and persuasions of the prevailing authority.

### **Data Collection and Analysis**

The generative and emergent approach of GT provided archival, historical and personal narrative data from both research settings to develop a substantive-level theory



regarding the formulation of voucher policy in WI and the contrasting absence of voucher policy in NC.

### **Wisconsin Document Collection**

This study began with an education public policy analysis in and related to the specific case of the development of the voucher program in the state of WI. In keeping with methodological and analytical GT approaches, I set out to “systematically develop a theory that explains process, action, and interaction” regarding the voucher policy formulation in WI (Creswell, 2007). Data collection began with identifying and examining archival and historical documents pertaining to the voucher debate prior to the 1989 WI legislation including, but not limited to: web sites, such as Wisconsin Historical Society (<http://www.wisconsinhistory.org/>) and the Wisconsin State Legislature (<http://www.legis.state.wi.us/>); journal articles from scholarly, peer-reviewed journals such as *Peabody Journal of Education*, *Teachers College Record*, and *Harvard Educational Review*; newspapers, including *Wisconsin State Journal*, *Madison Times*, *The Capital Times*, *Milwaukee Journal Sentinel*, and *Milwaukee Community Journal*; magazines and books; and, published policies and regulations.

Working closely with the interlibrary loan system between University of North Carolina at Greensboro and University of Wisconsin at Madison, I also explored archived documents such as legislative minutes, position papers and bulletins, committee reports, and internal reports. I searched for other studies that have taken place, including master theses and dissertations, and located several dissertations that were critical to my

analysis. The exploratory nature of this study led to unanticipated sources and resources, with documents leading to people and people leading to other documents.

The initial research was an historical analysis into the political dynamics of the policy development that occurred in the late 1980's, leading to Milwaukee's voucher program in 1990, with the methodology evolving as the study proceeded.

### **Wisconsin Document Evaluation**

In the collecting and analyzing of documents, I initially sought out primary sources, the original accounts of events and experiences, whenever possible, to ensure the most accurate account of events with the least amount of interpretation, filtering, or coloring. Secondary sources, which are at least once removed from the original account or event, were considered when necessary.

What I soon found, however, was an abundance of qualitative data in several earlier studies that were rich with diverse research questions and conclusions. Many of the participants that I thought would be key to my study were already interviewed, some of them multiple times. I decided that to interview key participants again, twenty years after the MPCP legislation, would be redundant for them and I could draw my answers from a meta-analysis of the comprehensive data already gathered.

I made every effort to establish the validity of source materials using external criticism—asking where, when and by whom was this document produced—to ensure authenticity. I also attempted to determine the author's place in the context of events and the consistency of the details of the document with what was already known. Internal criticism—evaluating a document for the content regarding the author's predispositions,

writing style, and interpretations—was not as easy a task, since most researchers strive to be objective and reduce bias. I made efforts to determine the purpose of the author's account and evaluate documents for rhetoric, bias, colorful commentary, or other factors affecting the credibility and usefulness of the source. Accuracy of information is foundational to the conclusions of any study and each document was critically evaluated for the author's credibility, competency, and objectivity, as well as the consistency of the data through cross-referencing with other documents (Wiersma & Jurs, 2005).

### **Wisconsin Interview Data Collection**

The exploratory nature of this study allowed for the possibility of discovering participants directly involved in events during the formulation of the 1989 legislation leading to the voucher program in Milwaukee. As significant primary sources, I believed individuals directly involved in those early debates could provide information pertinent to the conclusions of this study and would help the development of an emerging theory. As mentioned, I found that most key players in the MPCP process had been interviewed by other researchers. Still, I remained open to finding one key participant from each side of the debate in Milwaukee. Fortunately, I was able to arrange an interview with Dr. Howard Fuller, one of the most critical players in the Milwaukee voucher controversy. The interview protocol for Dr. Fuller is attached as Appendix A. Dr. Fuller is Director of the Institute for the Transformation of Learning at Marquette University and the co-founder of the Black Alliance for Educational Options. He has dedicated his career to improving educational opportunities for low-income African-American children. He is

nationally known as a proponent of programs that increase parents' choices for their children's education, such as charter schools and voucher programs.

To adhere to my commitment to balance my interviews with both sides of the voucher controversy, I attempted to interview a participant who was an opponent at the time of the MPCP legislation, but was unable to obtain a willing participant who held that position. The interview with Dr. Fuller provided firsthand data and direct answers to my particular research questions concerning the battle for and success of the MPCP legislation, confirming concepts I had already deemed saturated by the historical and archival data.

In light of the development of significant data from previous studies, much of the data for this study was collected from the following sources: (1) five qualitative dissertations from the Universities of Wisconsin at Madison and Milwaukee and from Pepperdine University, each of which is described in Appendices C and D; (2) the writings of Mikel Holt, editor and associate publisher of the *Milwaukee Community Journal*, Wisconsin's largest-circulated African-American newspaper; (3) the writings of Howard L. Fuller, founder of the Black Alliance for Educational Options (BAEO), a key figure in the MPCP reform, and my sole Wisconsin interview participant; and, (4) national newspaper coverage of the MPCP development.

The five comprehensive qualitative studies provided rich data from many WI legislative documents and from personal interviews with MPCP figures. Specifically, I reviewed the studies and all other WI data to assess their relevance to my first 2-part research question which asked, "What areas of controversy were prominent in the WI

voucher debate and how did the policy advance in spite of those controversial areas?”

“What theoretical framework regarding policy formulation helps explain what happened?”

Although no interview protocol from the five qualitative studies asked precisely the questions I had considered for the purposes of my study, when analyzed together with the other archival and historical data collected, a clear picture emerged that provided a possible theory for the policy framework behind the MPCP legislation.

### **Wisconsin Data Analysis**

As I collected and examined documents and the data from the interview that emerged, I engaged in the rigorous analytic process of sorting and coding the data. The five studies proved to be my most important source of data. Each study approached the MPCP from its own unique perspective, investigating a diverse set of research questions, which collectively provided interview data from the participants that were significant to my study. The five qualitative studies required a meta-analysis approach, something not anticipated in my planned methodology. Meta-analysis was originally applied to quantitative studies for the purpose of integrating the findings of multiple small-scale studies to enable a statistical analysis with reliable, generalizable results (Bangert-Drowns & Rudner, 1991; DeCoster, 2004; Glass et al., 1981).

In qualitative research, meta-analysis, or meta-ethnography, allows the researcher to critically examine multiple accounts of social or cultural events for the purposes of comparison or synthesis (Noblit & Hare, 1988). In analyzing the five qualitative studies which examined particular aspects of Milwaukee’s voucher program, I coded and

integrated narrative information from each study to further inform and guide my own research.

The earliest of the studies reviewed in my research was a comparative analysis of education reforms taking place in the cities of Chicago and Milwaukee during 1988-1990. Carl's (1995) qualitative historical analysis examined the contrast of Chicago's power redistribution within the public school system to Milwaukee's market solutions with targeted vouchers. In seeking to determine the interests served through each reform approach, Carl concluded that, though both reforms were aimed at weak and low-performing urban districts, contrasting political alliances resulted in the comprehensive reform of Local School Councils in Chicago to empower local public schools versus the small, limited program of vouchers in Milwaukee to empower low-income and minority families, introducing limited privatization.

Hill (1998) examined educational issues in Arizona through document review and against the backdrop of constitutional and legal challenges to the WI MPCP. Although Hill's study also sought interview data, only one Milwaukee interview was obtained. The study was designed to advise Arizona citizens on whether or not to support vouchers for Arizona and, if choosing to implement vouchers, how to ensure the greatest level of success. Hill concluded that any voucher program would need to include a prescriptive design that crosses lines of class, race and politics and completely avoids inclusion of parochial schools. Hill's research was conducted before the 2002 decision of *Zelman v. Simmons-Harris*, which ruled that the inclusion of parochial schools was not unconstitutional.

Barbara Johnson Wood (1999) provided a large bulk of narrative and document data unparalleled by the other studies. Interviewing over 30 participants in the MPCP and analyzing legislation records, other public records, newspaper archives and the like, Wood attempted to apply John Kingdon's (1995) conceptual framework regarding problems, policies and political streams in federal policymaking processes to WI's state legislative developments to explain the enactment of the MPCP legislation. She found the framework limitedly relevant and ultimately problematic, since it could explain how issues get on an agenda, but the ways in which they were disposed.

Kingdon (1995), in describing the process of agenda-setting at the federal government level, identified three independent streams that sometimes "couple," or merge, providing a window of opportunity for change. The three streams are problem recognition, policy proposals, and politics. Wood's analysis extended beyond Kingdon's multiple streams for agenda-setting to examine the drafting of legislation and political conflict and resolution. She suggested a fourth stream for Kingdon's framework, "how issues are disposed of" (Wood, 1999, p. 30). Wood's intent and resulting conclusion was to document the interaction between education reform and political processes to explain the development and enactment of the MPCP.

Pedroni's (2003) study of the formation of identity of low-income citizens through fragile alliances with conservative, rather than liberal, ideas and supporters was informed by interviews with mostly families and principals in voucher schools. Collecting data over a decade after the MPCP was implemented, Pedroni set out to document the impact on the identity of members of marginalized groups who are served

by uneven alliances and to challenge educators and policymakers to direct their efforts to more democratic reform programs.

Pedroni's interpretation was more aligned with the opponents of the MPCP who accused advocates of destroying public schools. Pedroni began with the theory of hegemonic alliances between marginalized populations and conservative mobilizations advancing what he termed undemocratic reforms, which he set out to prove through interviews with voucher families. Essentially, Pedroni believed that the MPCP was a result of disadvantaged families being used by conservatives to advance their own causes.

Finally, the research and resulting qualitative data of Schmitz-Zien (2003) provided rich narrative from at least 16 participants in the MPCP, examining the context from 1985 to 1995. Schmitz-Zien's participants were all involved as proponents of the voucher program, although her archival document analysis provided the perspective and opinions of some opponents. Seeking to understand the "genesis" and motives for the MPCP, Schmitz-Zien identified the themes of racial equality, free market influences and religious school survival as advancing the voucher program. Ultimately, her study concluded that social justice was the overriding universal motivation leading to the enactment of the MPCP.

This diverse collection of studies, each one examining some aspect of the MPCP, provided a broad range of participants, perspectives and purposes for me to consider. Collectively, the interview data provided rich information that I could not have gathered on my own at this point in time. In addition, the process of meta-analysis integrated



nicely into the sorting and coding process that was already in place through my GT approach.

Based on GT analytical approaches, I identified and labeled major categories of data, such as information pertaining to racial equity, during the first stage of open coding. Creswell (2007) describes how the use of open coding progresses into axial coding, which is a more detailed process of organizing data in a way that indicates the relationship between core concepts. He states:

The investigator assembles the data in new ways after open coding ... the researcher identifies a central phenomenon (i.e., a central category about the phenomenon), explores causal conditions (i.e., categories of conditions that influence the phenomenon), specifies strategies (i.e., the actions or interactions that result from the central phenomenon), identifies the context and intervening conditions (i.e., the narrow and broad conditions that influence the strategies), and delineates the consequences (i.e., the outcomes of the strategies) for this phenomenon. (p. 67)

Through axial coding, I then began to sort data into categories around the core “phenomenon” (Creswell, 2007, p. 66) which, in the example of the racial equity data, became a code on the axis of social justice.

My analytic process also involved the extensive use of “memoing,” whereby I recorded theoretical observations about the connections in the data and I described emergent concepts and the fit of new data. Glaser (2004) described memoing as, “a continual process that leads naturally to abstraction or ideation—continually capturing the frontier of the analyst’s thinking” (p. 18). Memos are not coded descriptions, rather they are written on a theoretical level that facilitates the integration of new data into

concepts and, by constant comparison, forces the thinking and reasoning that Glaser described. Memoing helped me avoid premature conclusions and revealed gaps in emerging theories.

Although as a researcher I used logical inductive reasoning as I analyzed the archival and historical data to arrive at conclusions, Kaestle (as cited in Wiersma & Jurs, 2005, p. 224) contended that drawing conclusions from the historical data requires “creative interpretation, which invariably reflects the researcher’s values and interests.” In fact, Wiersma and Jurs note that, as opposed to experimental research in which the researcher *produces* data, an historical researcher *discovers* data from events of the past.

As my exploratory study revealed behaviors, attitudes and values of study participants in the written records, I was highly sensitive to the interpretive nature of the recordings and my use of them. I made efforts to stay constantly aware of my own interpretations and to remain objective when assigning value to data and drawing conclusions.

### **North Carolina Data Collection and Evaluation**

In contrast to the WI analysis of past events, my research questions related to NC pertain to what is currently taking place or has transpired in the recent past that contributes to the absence of a voucher policy. Since there is no voucher policy in NC, I sought information about NC debates, committee discussions, proposed policies, the perspectives of (public statements made by) education and policy leaders, and other data that might provide insight to explain voucher absence. My NC data collection approach

was also distinct from that used for WI in that I started by contacting education and political leaders for interviews.

### **North Carolina Interview Data Collection**

As with the investigation into WI policy and politics, the exploratory nature of this study allowed for the possibility and hope of discovering participants directly involved in events pertinent to the controversy in NC. Upon discovery of a direct participant who was available for interview, I sought to ensure I could locate a participant of the opposing view to further corroborate and authenticate all data collected. A direct participant could have been an education leader, a governmental leader from the executive, legislative or judicial branch, an attorney involved in any litigation, or a leader from an organization, foundation, or institute who is a participant in any voucher controversy in NC.

Because of the convoluted nature of the alliances found in voucher programs, I could not determine if dividing participants along party lines would balance the interview data collection in NC; I also did not inquire about my participants' party affiliation. State education leaders and professional education organizations may or may not be in solidarity. I believed that participants themselves would lead to others who are aligned with and opposed to their own interests and purposes in such a potentially controversial policy and they did.

My interview participants were mostly high profile education or political leaders in the state, important to shaping the policies and politics that determine the feasibility of a school choice voucher program. I asked each participant the same 10 question protocol.

The final question, which asks the participant to share anything we have not discussed that they thought I should know, allowed the emergence of data surrounding opinions and concerns not otherwise explored. In almost every case, the participant offered relevant information to share in response to that final question that more richly informed my study. A copy of the interview protocol that was used for the individual participants in the NC controversy is attached as Appendix B. The interview methods included face-to-face and telephone interviews.

Although four of the 13 N.C. interview participants agreed to be identified and all other identities were protected, it became clear that many of the participants knew each other or knew about each other's work. Suddenly the state of NC seemed very small, with participants telling me about each other and giving similar descriptions of the political activities and policymaking processes of NC. Two "coalitions," as one participant called them, clearly emerged from the narrative data, placing K-12 public education on one side with all of its supporters and everyone else on the other side. In some cases, it seemed as if the participant had reviewed and rehearsed the position many times and could repeat it verbatim. This was especially true for advocates of K-12 public education who opposed alternative choice options. The responses from advocates of parental school choice policy were more diverse and less predictable at first until my constant comparison and coding of the interview data revealed core concepts that gave a more obvious alignment to their responses and consistency to the themes. I made attempts to interview over a dozen other NC leaders who either declined to participate or never returned my contacts.

## **Document Collection**

My NC document collection began as interview participants referred me to web sites, articles, studies and other information pertaining to their responses. Data was collected from a variety of sources, including web sites such as The General Assembly of North Carolina (<http://www.ncga.state.nc.us/>), and the State of North Carolina (<http://www.nc.gov/>), which houses information from the governor's office, and those of various institutions and organizations with an interest in education reform; journal articles from scholarly, peer-reviewed journals; NC newspaper articles articulating any points of the voucher controversy, particularly newspapers in the capital of Raleigh, including the *News and Observer*, and the larger publications available in Charlotte, Durham, and Greensboro; and, several other studies, magazine articles, or books that emerged with information pertaining to any of controversial concepts of school choice vouchers in NC.

The WI document collection involved the examination of archival and historical data *starting* back in 1988 or so. In NC, interview participants directed me to current information and events from the recent past. Also, I conducted searches on my own in an attempt to discover new information pertaining to my study. As I searched for relevant documents, I first considered contemporary events and documents and then worked back through time. The rationale for starting currently and working back through data in NC is that as states look around the country at what others are doing, they learn from one another and draw from each other's experiences. NC did not entertain voucher considerations back in 1988 when WI was doing so, but now that they have seen what

innovative actions have been taken elsewhere and the diverse nature of choice reforms implemented across the country, there is the increased motivation among some groups to seriously examine and debate NC's own choices. I followed the leads that emerged from the interview and document data, continually moving back through the years, until the leads either resolved or ended in a dead end.

I looked through recently archived legislative minutes, bulletins, committee reports, and other data available that provided insight into discussion and/or controversy among legislative leaders and policymakers in NC. Other studies that have taken place, including master theses and dissertations were sought, with the Boggis study (1982) being the only dissertation that emerged. I also explored information disseminated by organizational advocates for education, such as educators' associations and state foundations and think tanks. The exploratory nature of this study allowed for emerging and unanticipated sources and resources, with people leading to documents and documents leading to other people.

Document collection and evaluation provided rich and comprehensive material to support both sides of the voucher controversy. Usually the data referred to any type of voucher, not distinguishing between targeted or universal, and the positions that were stated applied to proponents for any type of voucher or opponents against any type. Even though the interview participants later concurred that no open debate is occurring statewide about vouchers, the document collection revealed that many organizations, foundations, and government entities have published position papers specifically about

vouchers. Political candidates have occasionally raised the issue and, consequently, reports and editorials have appeared.

Several associations or entities on each side of the voucher controversy have developed and published an argument through the Internet, in effect participating in a state-wide written, or silent, debate. The interview and document data together sent the message, “There is no debate in North Carolina, but here is why vouchers will not work (or will work).” The published positions analyzed in my study aligned with the representatives’ viewpoint that I interviewed.

### **Observational Data**

In addition to the narrative and document data collected for this study, I also collected field notes from an Educational Town Hall meeting I observed. The town hall was conducted by Parents for Educational Freedom in North Carolina and State Senator Malcolm Graham, Democrat from Mecklenburg County. Just as the GT methods of qualitative research prescribe, I received and followed the lead of information from one of my participants that there would be a town hall forum at UNC-Charlotte on Thursday night, April 22, 2010, with several education and political leaders from NC. The forum was entitled, “Identifying Real Solutions for the K-12 Achievement Gap,” and was attended by approximately 500 people. The data I collected there proved to be meaningful to my study and provided people and proposals that I could identify as I conducted and wrote the analysis. Already I could see that there may not be a voucher policy in NC, but there is a debate. Something seemed to be brewing.

## **North Carolina Data Analysis**

After the NC first interview, I conducted the next interview while being mindful of the data from the first. I constantly compared data between interviews and developed and revised my coding categories. In keeping with the techniques of GT, the data was coded line by line to identify emergent concepts. By essentially fracturing the data into codes, significant concepts were revealed and then compared to the codes in other data sets. At the same time, my memoing – which I did throughout and after data collection – began to reveal connections between the categories, even from opposing sides of the debate. Opponents of choice confirmed and supported one another’s data, as did choice advocates, until saturation occurred around several core categories regarding both sides of the voucher debate. From my memoing, I was able to integrate categories and formulate a potential theory in response to my research questions. I then employed the same analytical techniques that I used to assess the WI data.

## **Volume and Trustworthiness of Data**

I estimate that I reviewed a total of approximately 3,000-3,500 pages during my document collection in WI and NC. In addition, I spent roughly 105 hours transcribing interviews, having interviewed 13 NC participants and one central WI figure. The credibility of my data and the resulting analysis was strengthened by my effort to access a high number of primary sources—particularly the thirteen interviews in NC—and by my efforts to seek and use strong, credible secondary sources. In addition, I worked hard to obtain information from opposing sides, equally represent those sides, and report all of



my findings in a forthright manner. I transcribed all of interview data personally and maintained a trail of all contacts and conversations.

As I analyzed the data I was sensitive to issues of self-reflexivity and therefore checked for biases in my determinations and considered the ways in which my subjectivity was influencing my overall analytical process.

### **Researcher Subjectivities**

#### **Perspective and Biases**

I knew going into this research project that I held my own perspective about school choice vouchers. GT theorists Corbin and Strauss (2008) cautioned that, although entering an investigation being mindful of one's experiences and beliefs is not necessarily a bad thing, researchers must recognize when those beliefs and assumptions are intruding into the analysis of the data. They cautioned the researcher to keep enough distance between self and the data to remain analytical and think clearly. They further caution that certain words or concepts should cause the researcher's mind to "wave the red flag," such as "always" and "never;" thus, the prevailing mandate that guided my data collection and analysis was to "question everything," taking nothing for granted (Corbin and Strauss, 2008, p. 81).

In search of objectivity and the ability to be *drawn* to a conclusion that is not pulled by my own biases, I continually confronted and addressed the specific perspectives and values that I brought to this study, knowing that offering transparency will make me more accountable to the reader and bring greater credibility to my conclusions. Below I overview aspects of my own "social psychology" (Glaser, 1978)

that should be known by the reader to more fully understand my biases and my efforts to surrender them to the data.

**Teacher and administrator.** My experiences in both public and private schools have exposed me to the challenges present in both school settings. I especially became acutely aware of the societal problems that affect school attendance and learning in a low-wealth rural area. I have worked for many years in elementary classrooms, as a middle school teacher, and as an administrator in an elementary school. I have a desire to give students every opportunity to be successful, to rise above challenges, and to overcome factors beyond their control.

As a classroom teacher in a rural elementary school that served many disadvantaged families, I have seen limitations in what a local school community can do. With instructional methods and curriculum resources mandated district-wide, the ability to differentiate according to students' needs and abilities is sometimes limited. I have followed test scores for years and yearned for alternatives to the poor level of achievement that persistently occurred in some segments of the student population. I have developed a desire to see new options for students and opportunities for achievement relative to potential and capability. Although I support public schools and affirm their value to society as a whole, I believe there is a place for alternative choices outside of public schools when student subgroups are persistently unsuccessful.

**Value-driven educator.** I have strong values that are deeply ingrained in my own identity. I understand the desire of individual families to have instruction that is aligned with their values. I recognize my propensity to discount opposing arguments in the

church/state controversy as misguided and uninformed or as misinterpretations of policy and law. I am compelled by the arguments of Viteritti (1999) but not Smith and Meier (1995). Now, working in a private Christian school, I see families sacrificing to send their child to a school that teaches a Biblical worldview, knowing there are other families who wish they could find a way to do the same thing. Still, when my interview participants talked about their concerns with private schools, I sought to listen and hear their arguments, wanting to understand their perspective and how they think. In pursuit of objectivity for this study, I had to monitor how I listened to and analyzed the interests of those that disagreed with me.

**Compassionate activist.** My desire to help others and lead others to success causes me to seek action and extend compassionate support to the disenfranchised. I know only to a certain degree and in my own context how it feels to be powerless. When I see disadvantaged populations trapped in a situation with no recourse, I want to see something done. In my study of vouchers, I had to monitor and balance my desire for action by being open to other viewpoints of the situation, as well as other interests and approaches.

**Innovative problem-solver.** The use of fresh, innovative ideas intrigues me and invigorates my interest. I recognize that my desire to want to know more, to want to understand the where, why and how of vouchers, is partially motivated by the potential and possibilities lying dormant in a “new” idea. This personal motivation predisposed me to have, not only a receptive attitude toward school choice vouchers, but a driving curiosity that is willing to innovate. As a political conservative, I also value and support

entrepreneurship and the potential of the free market to meet a demand or need in different ways than the government provides.

**North Carolinian.** As a resident of NC, I am interested in successful education reform and raising academic achievement. As I observe the performances of NC public school districts, it seems that even when schools struggle (such as Halifax County), educational and legislative leaders in NC never entertain the prospect of providing private alternatives, even when school failure is chronic and persistent. As an educator in this state, I wanted to understand what directs legislators and policymakers in their decisions about school reform.

### **Reducing Bias**

**Self-Reflexivity.** My personal perspectives and biases individually and corporately led me in the direction of initial support for school choice vouchers. When collecting, assigning meaning to, and interpreting the data, and in the pursuit of conclusive resolution to my own research questions, I had to assume a self-critical stance to “minimize the distorting effect of personal bias upon the logic of evidence” (Kamarovsky, as cited in Lincoln & Denzin, 2003, p. 188).

**Triangulation.** Wiersma & Jurs (2005) refer to triangulation as “qualitative cross-validation” (p. 256), which involves the use of several sources and several different types of sources to corroborate and validate information. In a GT study, the sorting and coding of documents and data serve a similar purpose, as determinations are made as to the “fit” of the data and as continual theoretical sampling and coding occur. A type of triangulation resulted as I gathered data from a variety of sources to validate and support

the categories developing from previous sources. The meta-analysis was an important part of this process. The triangulation process helped to “assess the sufficiency of the data according to the convergence of multiple data sources” (p. 256).

Ultimately, as I listened to each interview participant respond to my questions, I listened to their reasoning and opened my mind to each one’s own perspective. Rather than challenge a response, I would probe for further explanation and simply listen without rebuttal. I learned that the participants would share more freely when I seemed open to their perspective. I came to understand that we each have a biased perspective that we attempt to defend and that sometimes opposing sides may never see things in the same light. I believe, however, that through my efforts to acknowledge and surrender my subjectivities, I have heard and presented arguments in a clear and straightforward manner that well represents what each participant expressed.

### **Conclusion**

As a NC educator, I follow with great interest the performance of K-12 students all across our state. I follow reform efforts, testing data and drop-out numbers with increasing concern each year. When I read about school systems like Halifax County, I wonder what else we could do to give those students a chance at success.

With approximately 200,000 children enrolled in some variation of a school choice program in 2010 across our nation, and with Milwaukee continuing in a school voucher program into its 20<sup>th</sup> year, it seems reasonable to ask why the deafening silence in NC about school choice vouchers.

This study explores the policies, politics, and players of WI and the MPCP implementation in an attempt to explain the absence of a similar policy being legislated in response to educational challenges and, yes, failures in NC. I kept the scope of this study focused on the MPCP and NC rather than examining the variety of programs across the country. WI has the oldest and largest school voucher program in the nation and seemed a strong model for this study. The very focused nature of this study also limits the exploration of the current policies and political factors that affect the WI program today. In choosing to study the formulation of policy twenty years ago, I did not examine the more recent policy decisions and political forces that may be influencing the program currently. To better understand the absence of the policy in NC, it seemed best to examine the forces at work when WI's policy was debated and formulated.

Some may consider the study of what is over and done as irrelevant. I find, however, that history helps to clarify the present. When formulating policy and asking "What is best?" and "What will work?" history helps to answer those questions, having proved what is possible. History is vital to analyzing and understanding current events, increasing understanding as to why things are the way they are. Graham (1980) noted that "history . . . makes a valuable, though partial, contribution [which] is twofold: perspective and prevention" (p. 22). Knowledge of what has and hasn't worked empowers future decision-making and, by identifying past trends, can facilitate predicting future patterns. Through a greater understanding of what happened in WI that resulted in the implementation of a school voucher policy for Milwaukee, we can better determine how to meet the educational needs of students in NC, rather through schools choice vouchers

or otherwise. The conclusions drawn from WI did help me to develop a theory as to what has happened in NC to create a school choice voucher void. In later chapters, I will describe the development of that theory and discuss implications for future practice and future research.

## **CHAPTER IV**

### **TARGETED SCHOOL CHOICE VOUCHERS IN MILWAUKEE, WISCONSIN**

This is truly an historic occasion. For the first time in history, African American parents will have a true educational choice for their children. What makes this occasion even more significant is the fact that we had to go up against the labor union, MPS and even the Department of Public Instruction. But our parents fought all the way and now there is light at the end of the tunnel (Rep. Annette Polly Williams, March 14, 1990).

#### **Part I: The Policies, Politics, and Players Leading to Wisconsin's Voucher Policy**

The archival, historical, and personal narrative records documenting the events leading up to the passage of the Milwaukee Parental Choice Program (MPCP) legislation were comprehensive and rich. There clearly emerged policies that were a source of dissatisfaction, political maneuvers that advanced the voucher policy to legislation, and several key players, without whom the policy process may have halted without success.

I will first provide a brief description of the relevant historical context in Milwaukee in the decades prior to the MPCP legislation. I will then identify and describe the key players in the support and passage of the legislation, providing quotes from the five qualitative studies or other writings that express each of their perspectives and beliefs about the legislation. Next, I will offer my analysis of the data in light of the six controversial concepts from the literature. Finally, I will contribute to theory by describing and applying the framework for policy development that aptly fit, as evidenced by the data, working in conjunction with two other supportive frameworks to



attain legislative success. My summary will succinctly integrate all of these components of the analysis to suggest a theoretical policy framework that explains the MPCP policy formulation and its political implications.

### **Findings and Analysis of the Milwaukee Data**

The generative and emergent approach of Grounded Theory (GT) (Creswell, 2007; Glaser, 2004) was employed to analyze the archival, historical, and personal narrative data surrounding the policy process in WI that resulted in the MPCP. The initial direction of the data collection was focused on archival and historical data from the period between 1989 and 1990; however, it is important to understand events in the preceding decades to provide the backdrop for the advancement of the voucher movement.

### **Background and Historical Context**

Because of the success of voucher advocates in WI to pass a targeted voucher program, the MPCP, over twenty years ago (1990), I wanted to closely examine how the advocates were successful. The MPCP is now the largest and oldest targeted school choice voucher program in the country, implemented in a state with a strong teachers' union and in a city considered a Democratic stronghold—two factors that typically translate into fierce opposition to vouchers. I set out to understand how WI voucher advocates prevailed over the opposition so I could apply any new knowledge to what is happening or not happening in NC regarding targeted school choice vouchers.

The voucher movement of the late 1980s in Milwaukee grew out of decades of dissatisfaction among many African Americans with the Milwaukee Public Schools

(MPS) and a struggle for improved educational opportunities for Milwaukee's students of color and urban poor. To place the voucher movement in context, I will briefly highlight the occurrences of the previous decades that were influential to the movement.

Desegregation efforts of the 1960s and 1970s left many schools in the inner city still primarily Black, and Black students were disproportionately bused out of their neighborhoods while a much smaller percentage of White students were bused into the city. An initiative called the Chapter 220 Program was enacted in 1976 in an attempt to further improve the busing plan and continue desegregation efforts. Suburban districts were funded for accepting more Black students and seats were reserved for White students in "specialty schools" located in Black districts and offering a curriculum similar to the magnet schools of today. This transfer program, which was originally aimed at voluntary desegregation, was touted as less expensive and less educationally disruptive than mandatory busing. It also provided a "marketplace of educational alternatives" (Witte & Archibald, 1985, p. 3). The Chapter 220 Program still resulted in suburban schools with a much lower proportion of low-income children and in a high degree of the involuntary busing of many more minority students (Carl, 1996; Holt, 2000; Pedroni, 2003; Witte & Archibald, 1985; Wood, 1999). Many Blacks believed that the effort to desegregate their schools, the Chapter 220 Program, was a flawed plan that resulted in their losing control of neighborhood schools, the "forced" busing of their children out of the neighborhood, and a continued level of segregation.

## **1985 Study Commission**

The 1985 report, *Study Commission on the Quality of Education in the Metropolitan Milwaukee Public Schools*, documented previously unknown, or unpublicized, evidence through disaggregated data of a looming achievement gap between White students and poor or minority students. The *Study Commission*'s report was the culmination of a 14-month study conducted by a 27-member team appointed by WI's Democratic governor, Tony Earl and headed by John Witte, professor, researcher, and author. The *Study Commission* revealed that Milwaukee's drop-out rate was more than double the state average and was five to six times greater than most suburban districts (Witte, 1985). It was also learned that MPS Superintendent McMurrin had previously used 23% as the measure for "at or above average" in reporting academic proficiency in the school system, which outraged many in the Black community (Holt, 2000; Schmitz-Zien, 2003; Wood, 1999).

The results of the *Study Commission* on the quality of education in MPS were made public in October, 1985, and data were released that had never been collected and analyzed in the past. There were key findings regarding racial disparities, including a widening gap between the performance of White and Black students that was wider in MPS than in suburban schools.

In Witte's explanation and analysis of the data, he noted that over two decades of scholarship support a strong relationship between socioeconomic status and the failure to complete high school. In the school year 1983-84, the high school dropout rate for lower

socioeconomic students in MPS, measured by free and reduced lunch, was over 20% (Witte, 1985).

Another troubling aspect of the *Study Commission*'s findings came from the teachers' surveys. Eighty-two percent of teachers marked that having too many students in each class is a major or minor problem, and over three-fourths of teachers responding said that students do not understand the material because they can't read (Witte & Backus, 1985). The release of this information to the public, along with other components of the *Study Commission*'s Report, was alarming to families who were already concerned about the MPS.

### **Independent schools**

Another important component in the events leading up to the MPCP legislation is the network of independent community schools existing in Milwaukee which were seen as successful in educating minority children. These schools educated students for less than the MPS per pupil expenditure, but some of them were struggling financially. In the past, the schools had sought financial support from government sources. As Catholic schools closed or consolidated due to financial woes, the independent community schools benefited from the additional building capacity and student numbers. As educators of Black and Latino children, the independent schools were willing to accept vouchers to serve more students and to receive the funding needed for survival (Carl, 1995; Schmitz-Zien, 2003).

By the late 1980s, only three of the network of independent community schools survived: Harambee, Urban Day, and Bruce Guadalupe. A fourth school, Woodland's

School, was formerly associated with Alverno College. When that association ended, the community reorganized the school as a non-sectarian integrated elementary school. Together, these four schools enrolled most of the MPCP students during the first few years (Carl, 1995).

In addition, Schmitz-Zien (2003) noted religious school survival as a third theme emerging from her research. Her study, taking place after the 2002 *Zelman vs. Simmons-Harris* decision, explored the 1995 expansion of the MPCP which allowed students with vouchers to attend sectarian schools. The expansion was sought to provide greater capacity, but it also enabled low-income and minority parents to choose religious schools, a choice previously only afforded to wealthier families.

### **The Push for an Independent Black School District**

Around 1987, with Black families still seeking community control and academic success for their students in inner city MPS schools, a push began to establish a Black school district composed of several schools in the North Side of MPS, including North Division High School. The movement for the “New North Division School District” was led by Dr. Howard L. Fuller, an activist and future MPS superintendent, and Annette “Polly” Williams, who was a State Representative, a single mother of four, and a former welfare recipient. The proposed Black school district was to include ten schools of about 6,500 students, almost all of whom were Black and already attended the designated schools.

Critics charged that creating a Black school district would further segregate students, going back to the “separate but unequal” status of schooling. Williams defended

the plan with an analysis of the current situation in the ten schools: “These schools were 99 percent Black whether they are separate or not” (Williams, 2005, p. 191).

The new district—which would practice site-based management giving educators the ability to hire and fire personnel, choose their own school board, and otherwise direct their own affairs—was rallied by activists in the community. Wisconsin Governor Tommy Thompson, a White male Republican, was interested in innovative education approaches and wanted to try something new, but he was concerned that the Black district would be unaffordable, given the low tax rate of properties in those areas. Ultimately, the independent school movement was unsuccessful and, subsequently, its leaders redirected their efforts to seek reforms outside of the public schools—namely vouchers. Fuller and Williams emerged as key players in the voucher policy formulation that is the object of this study (Carl, 1995; Hill, 1998; Holt, 2000; Pedroni, 2003; Schmitz-Zien, 2003; Williams, 2005; Wood, 1999).

Disenfranchised and feeling marginalized by the MPS, many minorities in Milwaukee’s inner city schools were motivated to take reform action, after decades of experiencing forced busing, the failure of desegregation, frustration with MPS, and the unsuccessful attempt to form a Black school district. Finally, having the proof of the data from the *Study Commission* made action inevitable and many felt that something must be done for Black students. In a previous interview, Fuller summarized the events this way:

There was an argument back then that there was no significant problem, that there was no gap in achievement between Black kids and White kids—there was no gap in achievement on the basis of race or class. So I think the critical thing the *Study Commission* did was to “pull the covers off of the system” and say we do have a

serious problem here, that integration has not addressed this problem and in some ways has exacerbated this problem. (Wood, 1999, p. 131)

Many citizens and leaders were dissatisfied, even disillusioned, with the failed efforts to effectively serve disadvantaged students in MPS. These events covering three decades set the stage for change and created an environment that was ripe for a new effort to provide a quality education for inner city poor, mostly minority students.

### **The Milwaukee Parental Choice Program: Who, How, and Why?**

#### **Making It Happen**

Numerous participants interviewed in the studies I reviewed stated that the MPCP simply would not exist if not for the work and influence of State Representative Polly Williams. Dr. Fuller concurred, “But without Polly Williams and her absolute dedication for having this done, it would not have occurred” (H. Fuller, personal communication, March 22, 2010)<sup>1</sup>. Described as articulate, feisty and passionate, Williams was elected in 1980 to represent a predominantly Black inner city district. During her first three terms in the Legislature, Williams sought to end the “forced voluntary busing” of Black students as a desegregation strategy, but she was successfully opposed by the education establishment and certain members of the Legislature (Carl, 1995; Milwaukee’s Schools, 1990; Schmitz-Zien, 2003; Wood, 1999).

<sup>1</sup>Personal Communication citations refer to personal interviews I conducted and are cited according to APA Publication Manual, 6<sup>th</sup> Edition.

The Legislative Audit Bureau reported that “although Black students represent 49 percent of total MPS students’ enrollment, they represent 70 percent of all students bused for purposes of desegregation” (Wood, 1999, p. 173). After opposing the busing program, proposing a Black school district, and otherwise unsuccessfully seeking to address the concerns of her inner city poor and minority constituents, Williams turned her attention to a limited voucher plan that would allow these children to attend private schools in their own neighborhoods. Williams motivated and mobilized community activists and began to see targeted school choice vouchers as an attainable solution (Holt, 2000; Schmitz-Zien, 2003; Wood, 1999).

Dr. Fuller (personal communication, March 22, 2010) acknowledged the power of the opposition to Williams’ and the grassroots’ efforts. “There was opposition from the teachers’ unions, the NAACP, the ACLU, all of the organized interests around the school system, were absolutely opposed.” Some called it a match between David and Goliath—Williams and community activists versus the educational establishment. Williams had fought for 22 years to improve the inner city schools of Milwaukee, which still consisted of 22 all-Black schools and a widening achievement gap (Milwaukee’s Schools, 1990; Schmitz-Zien, 2003).

As my literature review in Chapter II indicated, the voucher concept in general has consistently been opposed by the organized interests of K-12 public education. The American Federation of Teachers, National Educators Association, National Association of Elementary School Principals, American Association of School Administrators, and other similar organizations have insisted that taxpayer money should remain in the public



system (Bolick, 2003b; Doerr et al., 1996; NEA, 2008; Viteritti, 1999). Williams and the community activists were no strangers to this opposition.

Williams, and her Legislative Aide, Larry Harwell, are credited with drafting the legislation that ultimately became the Milwaukee Parental Choice Program (MPCP). The drafted legislation had the support of Governor Thompson, who had already experienced several failed attempts to pass some form of parental choice legislation. Williams' legislation was attached to the 1990 budget adjustment bill by State Senator Gary George, co-chair of the Assembly/Senate Joint Finance Committee, who had twice before blocked school choice provisions in the budget bill.

Senator George, WI's only Black senator, was considered powerful and smart. He embedded the MPCP as an amendment to the budget bill, which protected it from isolated attack and would force opponents to reject the entire budget bill in order to stop its passage. The budget bill was a 214-page document that encompassed two years of state spending, which had to be passed for the State to continue operating. After several amendments, the bill passed both houses and was signed by the governor (Carl, 1995; Hill, 1998; Holt, 2000; Schmitz-Zien, 2003; Thompson, 1996; H. Fuller, personal communication, March 22, 2010; Wood, 1999).

Several key players publicly backed the legislation, strengthening its support, and others were critical in affecting the passage of the legislation. The following participants in the voucher process played a key role, many of whom contributed to the narrative interview data in the studies I reviewed:

- Democratic State Representative Annette “Polly” Williams, an African-American single mother of four and former welfare recipient, who fought to end forced busing, to establish an all-Black school district and, ultimately, to provide parental choice to poor and minority families in urban Milwaukee;
- Dr. Howard L. Fuller, activist and, at the time, the director of County Department of Health and Human Services, helped build community support; later became MPS Superintendent (Holt, 2000; Pedroni, 2003; Schmitz-Zien, 2003; Thompson, 1996; Wood, 1999);
- Legislative Aide to Williams, Larry Harwell, helped draft the voucher legislation and garner the necessary support and votes;
- Republican Governor Tommy Thompson, embraced parental choice as an education reform, but believed a voucher proposal must come from the Black community;
- Democrat Gary George, the state’s only African-American senator, a powerful, veteran politician, attached Williams’ legislation to the Governor’s budget adjustment bill; some have said without George, the bill would not have passed;
- Democratic Assembly Speaker Tom Loftus, whose procedural direction during the debate and passage was critical; agreed to let the bill pass if Williams had the votes to pass it (Holt, 2000; Wood, 1999);
- Marcia Coggs, Democrat and most senior African-American state representative, provided critical support in the debate of the bill, as did other Democratic leaders in the House and Senate (Holt, 2000; Schmitz-Zien, 2003; Wood, 1999);

- John Norquist, Democrat and pro-choice mayor of Milwaukee, publicly supported the voucher legislation and vetoed an anti-choice resolution put forth by the Milwaukee Common Council (Carl, 1995; Holt, 2000);
- Mikel Holt, author and the editor and associate publisher of WI's largest-circulated African-American newspaper, Milwaukee Community Journal, gave extensive coverage of the voucher proposal process and supported Williams' efforts (Holt, 2000; Thompson, 1996; Wood, 1999);
- Black independent schools and Catholic schools, a number of which were ready to accept and educate voucher students; and,
- Black parents and the community, which formed the grassroots movement for a better education for their children within their own neighborhood at schools of their choice (Carl, 1996, Hill, 1998; Holt, 2000; Schmitz-Zien, 2003; Thompson, 1996, Wood, 1999).

Williams, receiving the bulk of the credit for advancing the MPCP legislation and assuring its success, acknowledged other key players and the work of the grassroots activists. Williams later elaborated on the help of Senator George when it came time to address the bill in the Legislature:

We did not get along. But Senator George and I had a talk. And I told him, and he also agreed, that this was very important, that it was something his constituents needed, and we had to help our parents. (Wood, 1999, p. 497)

This mention of meeting their constituents' needs and "helping their parents," became one of the many pieces of data that systematically verified that the core concept of social

justice was a motivating factor for targeted voucher proponents. The key players named in the voucher legislation in WI were not necessarily friends and they shared a diverse set of interests, but they agreed on the foundational, ideological, and moral mandate that a targeted group of children in Milwaukee schools were worth trying something different.

A familiar quote says that, “In politics, there are neither permanent friends nor permanent enemies, there are just permanent interests, or perhaps permanent values” (cited in Schmitz-Zien, 2003, p. 167). The benefits to be conferred on the targeted group of children in Milwaukee diverted the attention away from the “organized interest groups and their relationship to policy making” and focused it on the value assigned to that targeted population (VanDeMark, 2006, as cited in Ingram, Schneider, & DeLeon (2007).

### **In Their Own Words**

Twenty years of archival and historical data came together to fully describe the politics and policies leading up to the MPCP legislation. Multiple participants who were players in this process provided their own unique perspective of what occurred and how the MPCP legislation was successful. The narrative data was particularly useful in my efforts to develop a theoretical framework to explain that success.

**Polly Williams.** Williams has been quoted many times as she debated, argued, and advocated for the poor Black citizens of her community. Mikel Holt (2000) closely followed the voucher debate and documented the significant impact Williams had on her constituency, as well as on state law. She believed that “school choice should be offered based on income ... she appealed to her colleagues’ sense of justice, noting that MPS had

failed an entire generation of Black students who lacked the financial resources to seek a private school education” (p. 63).

Williams claimed that she didn’t wear a political label and that vouchers were not the exclusive property of conservatives. After seeing private schools provide a strong education for minorities for less money than the state, Williams chose the “politics of success.” She compared a poor Black family in public schools to a patient paying a doctor who is unable to heal him. “If you keep giving money to the same doctor and the patient stays sick, you’ve got to make the decision to get a second opinion” (cited in Fields, 1990).

**Dr. Howard Fuller.** Dr. Fuller, who was personally interviewed for this study, is the Director of the Institute for the Transformation of Learning at Marquette University and the co-founder of the Black Alliance for Educational Options. As a national figure in education policy reform, Dr. Fuller has devoted his career to improving the educational options for poor, mostly minority children. Nationally recognized as a proponent of charter schools and school voucher programs, Dr. Fuller has created and supported several reform programs and education innovations.

Dr. Fuller founded Black Alliance for Educational Options (BAEO) in 2000, to advance the empowerment of and increase the educational options for Black children. His leadership and influence in the voucher movement in WI was noted in every study reviewed. When called to testify as to the strength of the voucher program in 1996, Dr. Fuller affirmed that the primary effect of the MPCP was “to expand educational opportunities to children who desperately needed them, and to give low-income parents

some measure of the control over their children's education that wealthier parents enjoyed" (Bolick, 2003, p. 99).

**Larry Harwell.** Williams' legislative aide, Harwell, noted that:

Representative Williams had done a lot of work concerning the Milwaukee School system and some of the things that were happening there that she was not supportive of. She kinda got a reputation for really being concerned about the kids at MPS, and people kinda believed that she should be listened to, that she was credible. (Wood, 1999, p. 511)

Harwell's activism in Milwaukee dated back to the 1960s. When multiple attempts to change the status quo failed, including efforts to create a Black school system, Harwell described his response this way:

We did everything we could to try to impact that Milwaukee Public School System ... I truthfully believe that if Black people were in charge of Black kids, we'd do [better]. ... That was the end of our efforts to try to change Milwaukee Public Schools. Now we had to find a way to go outside of it. That's where choice came in. (Schmitz-Zien, 2003, p. 123)

Harwell made a significant contribution to the process and to the actual drafting of the legislation.

**Governor Tommy Thompson.** Thompson (1996) noted that in 1985, the study commissioned by the previous Governor Earl found an "unacceptable disparity in educational opportunity and achievement between poor and non-poor children, and between White and nonwhite children" (p. 88). In his own *State of the State* address in 1989, Thompson challenged the joint session of the Legislature:

There are some problems. Some of our students, particularly those in Milwaukee's central city neighborhoods, are being left behind. They are not receiving the quality of education they need to one day get a good job, or to maximize their potential. We must do better. (Wood, 1999, p. 320)

As he reflected on the passage of the voucher legislation, Thompson admitted,

I did not have an ideological agenda in mind when I decided to push for school choice. I was not being pressured by conservatives or anyone else to do it. I basically stumbled onto it by using my common sense. The private schools were doing a better job, so why not try it on a limited basis? (p. 91)

Governor Thompson is not unlike other Republican governors who have promoted forms of parental school choice, finding themselves aligned with Democratic constituents and poor, mostly minority, families.

These key players in the Milwaukee story were focused on the desperate need of poor and minority families in the inner city school district of MPS to find improved educational options. Their remarks, years after the events, describe the single motivation to better the lives of an underserved population of students and their families: social justice.

### **Social Justice as Key Motivational Factor**

Much qualitative data has been collected from political and policy leaders in the two decades since the inception of the MPCP. When asked about the purpose or motivation for the voucher legislation, the data gathered around one theme: the issue of justice for a marginalized and underserved group of people. One study called it the "social justice theme" (Schmitz-Zien, 2003, p. 463). Grounded Theory (GT) methods

involve coding data and recording memos until conceptual categories begin to form. New data and the gradual integration of other data will strengthen the characteristics of and give dimension to what becomes a core category (Creswell, 2007; Glaser, 2004; Moghaddam, 2006). Data around the core category of social justice accumulated quickly in my data analysis and later influenced by efforts to develop theory. Much of the social justice data came from the personal narrative interviews in the qualitative studies. One participant stated the following opinion:

I think school choice was designed to serve poor people, low-income people. I'm curious to know whom else is it supposed to serve? And I have heard these things that is was somehow a 'secret plan' to prop up the Catholic Church or prop up this church or that church. You know, break up the unions and serve someone. I think that's just a lot of nonsense. (Schmitz-Zien, 2003, p. 166)

One study indicated that the average income of families in the MPCP was \$10,860, with the students in the bottom third of academic performance (Schmitz-Zien, 2003). The families the program was designed to serve were the poorest of the poor. Indeed, the push for targeted school choice vouchers had more to do with income than race; it was an equity issue, but also a racial one, since most of the families affected were minorities. On both counts, social justice was called the "philosophical glue" that advanced the voucher movement (Schmitz-Zien, 2003, p. 326).

The narrative data from the studies I reviewed saturated the theme of social justice for a marginalized group of deserving students and families. I found this core concept to be extremely relevant across the five WI studies and even within my own interview data from Dr. Fuller, who noted, "Ultimately, it was a question of social



justice” (H. Fuller, personal communication, March 22, 2010). Later, he elaborated, “I understand the free market principles and they make sense to me. But really, again, for me, it is more of a social justice issue.” He added, “And if it’s a social justice issue, you see it differently, in terms of why you are doing it and willingness to.” The data continued to gather around the social justice theme, with participants describing a desire to break the cycle of poverty, empower disadvantaged families, and give poor families the choices that wealthier families enjoy (Schmitz-Zien, 2003).

Some voucher participants in the studies I reviewed accused their opposition of hypocrisy, denying the poor and minorities school choice while claiming to be advocates for the poor and minority populations. An example came from Schmitz-Zien’s (2003) study:

The people who call themselves progressives will argue against choice when we know that wealthy people are exercising it all the time. Constantly. You only think choice is a big deal when you don’t have it. . . . So I thought that there was a justice issue here. . . . You are caught if you don’t believe in giving choices through something like a voucher program to poor people. You are caught in hypocrisy, because what you basically are saying is it is OK for there to be choice, but it is only OK for the rich to have it. (p. 468)

Other participants concurred with that sentiment in Schmitz-Zien’s data. Holt (2000), author and the editor of the Milwaukee Community Journal, believed that some leaders who are perceived as advocates for the interests of the Black community, did not support Black families in this cause. He wrote that opponents could no longer “lie that the choice movement did not have Black support or that it was orchestrated by the GOP or Conservative Right. It was *our* movement” (p. 67). In fact, he once sparred with a

reporter during a news conference as he and Polly Williams defended the voucher program once it was enacted:

Our people are drowning in a sea of mediocrity and apathy. To be honest, we don't care who throws us a lifeline. . . . For most Black people, we don't [have control of our schools]; all we have is a history of neglect. We have been spitting into the strong wind for three decades. All we're asking for is an option for a small group of kids. Is that too much? (p. 127)

This kind of impassioned plea was Holt's (2000) trademark—advocating through his columns and in public meetings for his people, his movement. For Holt, the battle for targeted school choice vouchers for that “small group of kids” in Milwaukee was a battle for civil rights, a matter of racial equity. However, since “nearly 60 percent of the city's African-American population lives in poverty and an almost equal percentage . . . is functionally illiterate,” the issue was clearly one of equity and social justice as well (p. 127).

Students who were marginalized by race or class were already being taught in some Catholic schools, usually with the assistance of private grants or other funding. The Catholic schools also had a social justice mission, but were struggling for survival. Representatives of the Catholic schools were aware that accepting students from the MPCP would help sustain their ability to continue schooling; however, accepting voucher students also aligned with their purpose and mission. Serving the disadvantaged and empowering the marginalized clearly defined the intent of their existence and the MPCP provided a way to continue and expand those purposes (Schmitz-Zien, 2003).

Several advocates who believed in the inclusion of religious schools from the beginning put forth two major arguments for their advocacy:

1) The experience and willingness of Catholic schools to work with inner city students and at-risk youth merited their inclusion in the MPCP (Bolick, 1999; Carl, 1995); and,

2) The large number of parochial schools comprising the private school sector would create more capacity. In 1990, at the inception of the MPCP, thirteen schools accepted choice students. In 1995, over 100 nonpublic schools were prepared to participant in the MPCP, with almost 90 percent of those being religious schools (Holt, 2000; McGroarty, 2001; Schmitz-Zien, 2003; Thompson, 1996; Wood, 1999).

Brother Bob Smith, leader in a sectarian school, noted that the children using vouchers are “poor, ethnic minority kids often from what sociologists would be quick to call dysfunctional families, students who have special needs and who live in crime-ridden, economically deprived neighborhoods” (McGroarty, 2001, p. ix).

John Witte, head of the governor’s 1985 *Study Commission* on MPS, and later commissioned by WI’s Department of Public Instruction (DPI) to evaluate the first five years of the MPCP, described the performance and achievement gap between MPS and other public schools in the county as “two worlds separated by a few miles” (Schmitz-Zien, 2003, p. 473). Witte (2000) noted that families are “trapped in school systems that are not serving their needs and within which their children are failing. This argument continues to provide the normative underpinning for programs like the MPCP” (p. 18). Witte described how many White parents have the ability to move to a more preferable

school district when their children are assigned to a low-performing school. Witte's analysis reinforces the concept of seeking social justice for a population "trapped" and underserved.

Overall, the in-depth interviews and comprehensive research conducted by the five qualitative researchers over the past fifteen years support the theme that the goal of social justice and the empowerment of a deserving group of students and their families in Milwaukee led to the passage of the MPCP legislation (Holt, 2000; Schmitz-Zien, 2003; Wood, 1999). Without the targeted group of students and families, most of the motivation and impetus for the voucher proposal would have been lost.

## **Part II: The Six Controversial Voucher Concepts**

In Chapter II, the literature review identified six controversial concepts associated with voucher programs in general, which concepts served to frame the acrimonious debate with its competing interests and ideologies. The six controversial concepts were: the market effect, the right to individual freedom of choice, the search for improved academic achievement, legal objections, racial segregation and equity, and funding issues.

As I analyzed the data from Milwaukee, I watched for arguments that paralleled or contradicted the literature, and looked out for new data that could inform my understanding of the six concepts. New data did emerge as several arguments were approached from a different perspective in Milwaukee. For instance, the racial equity concept included the ongoing debate in Milwaukee about forced busing and failed

attempts at integration. The concept of choice gained dimension as a socially just choice for disadvantaged families who were underserved by the MPS. Below, I describe the varying extent to which all six concepts were salient in the Milwaukee data.

### **The Market Effect**

The concept of applying market principles to education reform broadly covered several perspectives from both the opponents and the advocates in the WI debate: allowing competition to challenge and/or strengthen public schools, protecting the responsibility of the State to ensure an educated citizenry versus ending the monopoly of government as the provider of education, and striving for greater cost-efficiency in the delivery of education.

Clearly, some proponents of the MPCP attempted to advance their interests by infusing competition into the provision of educational services. One of the three themes identified by Schmitz-Zien (2003) in her study was that of the market theory. Schmitz-Zien documented the concerns of Milwaukee's business community at the low level of skills demonstrated by students from Milwaukee Public Schools. Business organizations were reported as overall in support of the MPCP and several political leaders made it clear that to end the monopoly of the state and bring competition into the mix would, in their perspective, provide an improved alternative to inner city families, compel the inner city schools to improve, or both.

The education establishment opposed the concepts of the market effect and competition, which they believe do not belong in the provision of public education. This opposition was as true for Milwaukee as the literature claimed it was throughout the

nation. However, Dr. Fuller assured me that, “Polly never read Milton Friedman’s, you know, *Capitalism and Freedom*. I don’t even know that he advocated vouchers” (H. Fuller, personal communication, March 22, 2010). For the advocates who ultimately prevailed in advancing a targeted voucher program, their focus was not on building the business community or attacking public schools. The market effect was a marginal issue.

### **The Right to Individual Freedom of Choice**

The concept of choice can at times overlap slightly with the market theory and competition. Naturally, with market influences, citizens would be free to choose their own options and choose where to assert their buying power. Also, with competition, as families choose the school they deem best for their child, the school not chosen may feel a degree of pressure to improve. Freedom of individual choice is critical to market and competitive influences having the desired effect, which is very limited in targeted voucher programs due to the relatively small numbers of families and schools participating.

In the case of Milwaukee’s inner city families, providing choice through the MPCP was more about having an alternative to remaining in a persistently failing school in a persistently nonresponsive system. It was about underserved families being able to choose a quality school. Other reforms had been put forth to no avail. Overall, the proponents’ battle was not compelled by a strong belief in and push for market forces or competitive influences. It was about a way of escape and securing a quality education for poor, mostly minority students. Ultimately, choice for MPCP families meant exiting the public school system and finding other options in an attempt to attain academic

improvement. Choice opponents argued the belief that academic improvement should be attained by staying in the school system and working to reform from within.

The argument to allow some families to choose through the use of a voucher merged with other concerns about the potential effects of vouchers: limited market influences, (perceived) competition to public schools, funding being transferred from the public school to a private school, and concerns about equitable solutions for minorities once they were operating in the free market. The overlap of these issues makes it difficult to identify exactly how critical the single concept of choice was to the controversy in Milwaukee; however, it is clear that the totality of these several issues were a large part of the argument from both sides of the voucher debate (Carl, 1995; H. Fuller, personal communication, March 22, 2010; Hill, 1998; Schmitz-Zien, 2003; Thompson, 1996; Wood, 1999).

It appeared from the Milwaukee data that the voucher advocates were not necessarily battling for choice, per se, as much as for the opportunity for “low-income and working class parents [to] have the ability to choose quality” (H. Fuller, personal communication, March 22, 2010). They were not opposed to public schools or out to destroy public schools. As Fuller indicated, the voucher advocates continued to make the argument that “there was clear evidence that there continued to be a failure to educate poor Black children.”

One Senate participant in Woods’ (1999) study, whose vote was critical to getting Williams’ bill out of Committee, confessed, “I really agonized over my vote because I’m a supporter of public education. The statistics in Milwaukee were so bad that you

couldn't help but pay attention to it" (p. 512). Wood concluded that, "For the first time poor families who were not being well served by the public schools could have an alternative choice of educational opportunity for their children," and added, "In the end, this made a critical difference for many legislators who might otherwise not have voted for the legislation" (p. 7).

Although a lesser degree of the data suggested the MPCP was accidental and a "serendipitous alignment of forces" (Carl, 1996, p. 266), the bulk of the data aggregated around the concept of an intentional provision created for a deserving group of poor, inner-city students (Hill, 1998; Schmitz-Zien, 2003; H. Fuller, personal communication, March 22, 2010; Wood, 1999).

In contrast to the motive of social justice, Pedroni (2007) stood out as the sole researcher in my study who disavowed any truly good intent of the MPCP and asserted that "market-oriented voucher advocates first positioned parents ... whose sole constraint consisted of *artificially limited, market-defined choice* (my italics)" a choice which he claimed the parents are essentially unable to make (p. 34). Pedroni's position is aligned with other education leaders who contend that sometimes marginalized families end up "choosing not to choose," (Wells & Crane, 1997, p. 179), as stated in Chapter III. The WI data did not support this concern for the MPCP and its advocates.

### **Academic Achievement**

The literature mostly addressed academic achievement in terms of concerns about comparative assessments for both voucher and public schools, whether or not voucher schools would improve student performance, and how to hold voucher schools



accountable for assessments and academic performance. The controversy in Milwaukee, however, was specifically about the low level of academic achievement demonstrated by poor and minority students in the inner city public schools. The low academic achievement level of MPS inner city schools and the glaring achievement gap based on socioeconomic level and race was the focus of the MPCP proponents' distressing argument for some type of intervention, which ultimately was the MPCP.

Not only was poor academic achievement an impetus for reform efforts in Milwaukee, it appeared by some accounts to be *the* impetus for the MPCP, particularly given decades of persistent failure, high drop-out rates, and the failed efforts of other reforms. Again, the overlap of concepts intermingled motives, consequences and, ultimately, ideologies. The situation of poor and minority students trapped in academic failure was seen as a social injustice, while persistently low public school performance elicited calls for choice, competition, and market influences (Holt, 2000; Schmitz-Zien, 2003; H. Fuller, personal communication, March 22, 2010; Witte, 1985; Wood, 1999).

Unlike the opponents in the literature, who countered the attacks of academic failure with arguments defending the performance of public schools, MPS was defenseless in the face of the 1985 *Study Commission*. The lack of academic achievement for the disadvantaged students of the MPS was central to the voucher cause.

### **Legal Objections**

The separation of church and state stood out as the most controversial legal issue surrounding the MPCP. Other legal concerns were not raised as major arguments in the MPCP debate, although they became more prominent once the legislation passed and

implementation of the MPCP began. Legal issues such as devising a framework of regulations for voucher schools, developing systems of accountability, and educating students with disabilities, have become more prominent concerns in the two decades the MPCP has operated.

The separation of church and state was argued by legislators during the development of the voucher legislation, to the point that parochial schools were excluded from participating in the 1990 bill. There were opponents to vouchers who fought that legal argument, as well as supporters of vouchers who also believed religious schools should not be allowed to participate. This concept would apparently make or break the passage of the voucher legislation, since earlier versions which included parochial schools were defeated, but the 1990 MPCP legislation passed.

Catholic schools in the inner city were known for serving disadvantaged youths and it was believed they could provide greater capacity to accept more students. There were Catholic schools willing to participate in the MPCP program, but they were excluded in the drafting of the legislation.

### **Racial Segregation and Equity**

The concept of racial equity was as important to the MPCP debate as academic achievement, since Milwaukee's disaggregated data at the time of the controversy indicated a persistent achievement gap based on race. The two concepts overlap, as we have seen with other concepts, and diverse reactions also characterized the advocates' perception of what constitutes racial equity.

Schmitz-Zien (2003) named racial equity as the first of three themes arising from the data, describing the struggle of low-income Black citizens dating back into the 1960s. As the Milwaukee School Board neglected to adequately address the widening gap in achievement, many Black families and the advocates working with them determined to work outside of the public school system to find equity (Holt, 2000; Wood, 1999).

Some participants across the several collections of narrative data named socioeconomic status (or class) as the area in need of equitable solutions. The achievement gap affected both concepts, particularly since inner city minority families were typically low-income, although poor White families lived there as well. The focus of the voucher program, however, wasn't aimed at race only but was, in fact, based on income level and city residency as the criteria for participation. As the data gathered around the concept of racial equity, it included descriptors inclusive of both criteria, such as poor and minority students, poor Black students, low-income and working class minorities, poor Whites and inner city minorities, and low-income families of color (Hill, 1998; Holt, 2000; Pedroni, 2003; Pedroni, 2007; Schmitz-Zien, 2003; H. Fuller, personal communication, March 22, 2010; Wood, 1999). Furthermore, Holt summarized the feelings of many voucher advocates when he noted, "We made it a racial issue. Because when you are talking about low income kids the majority are going to be Black" (Wood, 1999, p. 440).

Segregation was a concern for voucher opponents in WI, believing that segregation would have an adverse effect on racial equity. Dr. Fuller identified concerns about resegregation as a major argument of the voucher opponents in the MPCP

controversy. Although integration was not balanced in the MPS, opponents believed it would worsen with the implementation of vouchers (H. Fuller, personal communication, March 22, 2010). Studies dating back to 1981 and others more current indicate that many private schools are more likely to have diverse populations than public schools. Studies have also indicated that many times poor and minority children perform better in religious schools than public schools (Coleman, 1987, as cited in Shokraii, 1996; Forster, 2006b); Viteritti, 1996; Viteritti, 1999).

The literature contained charges from voucher critics that voucher programs still leave many poor and minority students without quality options and that Black students and White students would consequently become resegregated. Some voucher proponents had come to believe that integration was not as important as a quality education in a local community school, whatever the ratio of Black and White students. With the previous attempt of Polly Williams and sectors of the Black community to develop an all-Black school system, it was evident she and others were looking for quality alternatives without regard to racial balance. Opponents used the lack of racial balance that was likely to occur in a voucher program as ammunition to criticize the voucher legislation, but ultimately the lack of success of other reform efforts, including that of mandated and voluntary integration, left opposing arguments weak and ineffective (Schmitz-Zien, 2003; H. Fuller, personal communication, March 22, 2010; Wood, 1999).

As a researcher, although the question was not raised in the data, I wonder if it is racially equitable to provide for 1% of the MPS student population (as the initial MPCP did), leaving all other poor and working class families to fend for themselves. Likewise,

is it more equitable to leave the students in the troubled public schools to partake in reforms, as MPS insisted was best, or to allow them to move to schools that are considered less accountable for performance? These and other questions are still up for debate in Milwaukee and elsewhere. What became clear from the Milwaukee data is that many poor, mostly minority families in the MPS inner city schools wanted an alternative for as many students as the legislation would allow.

### **Funding Issues**

At its inception, the MPCP earmarked \$2.5 million to fund choice for 1% of the MPS student population, totaling 970 students of the 97,000. Each student was given a voucher valued at \$2,500, which was the amount of MPS per pupil state aid (leaving federal and local funding in place at the MPS school) to use at the non-sectarian school of their choice. The MPS was spending between \$5,000 and \$8,000 per student, with the average cost around \$5,700. During that first semester, of the 970 eligible students, 345 low-income, mostly minority students were placed in the seven participating schools (Innerst, 1990; Nicholson, 1990; Putka, 1990; Wells, 1990; Wilkerson, 1990).

The same budget bill that allocated \$2.5 million to the MPCP, designated \$40 million in state funding for public school construction and repairs in the “Aging Schools” legislation. The previous year, teachers’ unions, the largest and most vocal opponent of vouchers, worked hard to push through the early retirement legislation, sometimes known as the pension bill, which cost hundreds of millions of dollars to cover the 50,000 members of WI’s education union, as well as another 150,000 state employees (Wood, 1999).

As legislators attempted to fund both public school concerns and fund the new voucher program, the opponents of the voucher legislation decried the diverting of any money away from public schools and into the hands of private schools. Ultimately, the Joint Committee on Finance reduced the amount of tuition offered to participating private schools. Rather than tuition of 53% of the MPS per pupil expenditure, the language was changed to read that “the State would pay a lesser amount equal to the per pupil equalization and supplemental aid payments” (Wood, 1999, p. 501).

The final legislation allocated \$2,500 per child rather than the initial \$3,100. The state’s general fund would have a net cost of \$-0-. The MPCP was legislated to be budget neutral and to remain budget neutral in all future years (Wood, 1999).

The belief among the legislators in support of the bill was that the bill would not pass without these changes to the monetary allocations. However, some supporters advocated for the MPCP because they believed it would be a cheaper reform than other options or that it would benefit their own district financially.

Dr. Fuller expressed the belief that the legislation would not have passed if a funding analysis indicated it would harm the other school districts in the state. Funding was a controversial and court-challenged concept in the MPCP, but legislators were able to come to a consensus in the passage of the bill and advocates accepted the funding outcome (H. Fuller, personal communication, March 22, 2010; Wood, 1999). The bottom line for opponents is the concern that vouchers will drain money away from the public school system.

The final and overriding argument of opponents to the MPCP was that to divert money away from the public schools was an attempt to destroy public schools. Dr. Fuller charged that “the major argument is the one that they continue to make: that this was an effort to destroy public schools. That was the principle argument that resonated. And it still resonates today: that this is about destroying public schools” (H. Fuller, personal communication, March 22, 2010).

These charges came from the largest and most powerful opponents of school choice vouchers—the teachers’ unions, educational associations, the NAACP, and the ACLU. For the most part, the leaders of these organizations did not align with some of their key constituents in agreeing on the purposes and intent of the voucher program. As Dr. Fuller claimed, this argument resonated to opponents then and now. Removing students, draining funds, and seeking solutions outside of the public school system structure were and are seen by opponents as destructive tactics to the framework within which they function to provide education (Holt, 2000; Schmitz-Zien, 2003; Thompson, 1996; H. Fuller, personal communication, March 22, 2010; Wood, 1999).

### **Summary of the Six Concepts**

The analysis of the WI data revealed that, indeed, there were arguments and debates surrounding each of the six concepts. However, none of these concepts achieved a level of prominence that deterred the proponents of vouchers and, ultimately, the opponents could not prevail based on one, or even a conglomerate of all of these controversies, although court challenges immediately followed the passage of the MPCP legislation in 1990.

The controversy in WI was centered around the poor and minority children attending failing inner city schools and, in fact, the advocates of vouchers were successful in keeping the focus on those students, rather than on any one issue or debate found in the literature. Although there was controversy about various concepts, there was not significant controversy over the deservedness of this disadvantaged group.

My first research question asks, “What areas of controversy were prominent in Milwaukee, WI, and how did the voucher policy advance in spite of such controversy?” Whereas one group saw these voucher efforts as an attack on public schools, the other group believed the public schools in MPS inner city were doing an injustice to the students and families there. They advanced targeted school choice vouchers as a more socially just approach than requiring poor, mostly minority students to remain in the inner city schools.

The data aggregated substantially in each of the named six controversial areas, giving significance to each one, either for advocates, opponents, or both. The single category of choice gained new dimension as advocates for a targeted voucher program in Milwaukee rallied for choice for the MPS inner city students. The core concept of social justice—not specifically identified throughout the literature but evident in the total set of WI data—gave rise to an emergent theory.



### **Part III: The Theoretical Policy Frameworks**

#### **Grounded Theory and the Social Construction Policy Framework**

My attempt to build theory that is grounded in the data was facilitated by my reading of strong qualitative studies completed before mine and through my comprehensive archival documentation of the activities and events surrounding the formulation of the MPCP legislation. The data formed a pattern leading to the major conceptual category of social justice. Consequently, through the constant comparative method, I began to look for social justice undertones and motives to reduce other codes in the data and to gain substantial evidence around this category.

The core category of social justice began to facilitate the merging of other data in support of a substantial connection and interrelatedness. The concepts of providing choices for the inner city families, quality academic education, community schools where families can be involved, and responses to failing test scores and high drop-outs began to revolve around and build up the more abstract category of providing a socially just solution.

Some participants in the data used the term social justice. The narrative data also included terms such as “unacceptable disparity,” “students ... being left behind,” and “children who desperately needed them [expanded educational opportunities]” (Schmitz-Zien, 2003, p. 9). The students targeted for benefits by the MPCP were low-performing and poor. The archival data also revealed concerns that eventually were coded into the

core category of social justice. Those issues included forced busing, disproportionately high numbers of minority students being bused, persistent achievement gap, alarmingly high achievement gap and drop-out rate in MPS, White families choosing private schools and leaving high numbers of minority and poor students in the city schools, and the failure of public schools to become fully integrated. What started as bits of data developed into a concept and then into the core category that became the theme of the voucher advocates.

To further build theory, I began to read about policymaking processes, seeking to familiarize myself with frameworks in search of a possible fit for my data. I discovered Sabatier (2007) whose writings, together with those of contributing authors, described several policy framework models in depth, including the advocacy coalition framework (ACF), the multiple streams (MS) framework, and the social construction framework. Sabatier credited himself and Jenkins-Smith (1988) with ACF, Kingdon (1995) with the origin of MS, and Schneider and Ingram (1997; 2005; 2007) with the social construction framework, so I sought out their writings as well. Birkland (2005) was very informative about the policymaking process and Colebatch (2009) added great insight to the concept of policy itself.

Schneider and Ingram (1997), in developing the policy framework of social construction, described how populations are targeted to receive benefits or burdens through policy design. As I came to understand their theory, I applied that framework to the data from WI and began to test the fit. It appeared that, when viewed through the lens of this framework, the disenfranchised families of Milwaukee could be defined as a

socially constructed group of “dependents” who are recipients of the benefits of the voucher legislation. As I explored the research and examined the workings of that framework, it became apparent that the targeted group of students and families in MPS inner city schools were at the core of the MPCP legislation. As I will explain in the following analysis, although it took a certain series of events to for the MPCP legislation to pass, the social construction of a deserving, targeted group was crucial to the success of voucher advocates.

The two additional frameworks of ACF and MS also effectively applied to the data, particularly when trying to theorize as to how the voucher plan became a legislative proposal and earned a spot on the agenda. I will describe how the success of voucher advocates, the MPCP legislation, and the support of the governor can be theoretically framed as the result of the efforts of a coalition and the merging of multiple political streams. Ultimately, however, those frameworks are dependent on the social construction policy framework for their very formation and application.

### **The Social Construction Policy Framework**

In the late 1980s, policymakers and researchers developed the social construction policy framework to describe the way many policies typically construct targeted groups in either positive or negative terms to then allocate benefits or distribute burdens. In a democratic polity where each citizen is equal before the law, the framework of the social construction of targeted groups partially explains why some policies assign benefits to certain groups and not to others (Ingram et al., 2007; Ingram & Schneider, 2005; Schneider & Ingram, 1997).

Policy developers and political leaders use the argument that “not all individuals begin from the level playing field assumed by those who believe that failure mainly is the fault of the individual. Not all persons begin with the same educational, income, cultural, racial, or gender advantages as others” (Ingram & Schneider, 2005, p. 12). They see the policy framework of social construction as one of the tools “through which government can raise up previously disadvantaged groups” (Ingram & Schneider, 2005, p. 5).

Ingram et al. (2007) described the development of the social construction framework as dating back to the 1936 writings of Karl Mannheim in *Ideology and Utopia*, in which Mannheim posited that the social sciences were an “interpretative” field of work, rather than reflecting a “single” view of reality. This paradigm was further developed into the theory that social problems are actually interpretations of the circumstances and of the ways to address them. “Problem definition is fundamentally a political exercise, . . . a political calculus largely based on values” (Rochefort & Cobb, 1994, as cited in Ingram et al., 2007, p. 94).

VanDeMark (as cited in Ingram et al., 2007) credited the social construction framework with the ability to redirect the attention from interest groups and their policy-making goals to the targeted population that will receive benefits as a result of the policy. This framework emphasizes the “contextual richness” of a given policy and its impact on a targeted group (Ingram et al. 2007, p. 94).

When examining the application of the social construction policy framework to the formulation of a targeted school choice voucher policy in WI, it is evident that leaders

were able to affect a change in social construction by advocating on behalf of the powerless, disadvantaged population that would benefit from the policy.

The research of Schneider and Ingram (1997) provided a general conceptualization of four types of targeted populations: advantaged, contenders, dependents, and deviants. Individuals may associate themselves with more than one targeted group and a social group may have a membership that is viewed to be distributed across the four types of targeted populations. Policies that apply to any specific group may confer benefits and awards or may negatively construct the population, resulting in punitive consequences.

The first two targeted populations, the advantaged and the contenders, are seen as powerful and influential, but one is seen as deserving while the other is not. Advantaged populations are viewed as deserving of rewards and benefits and they enjoy a high level of political influence and positive social construction. This group typically includes citizens in business, the military, the middle class, farmers, traditional families, and senior citizens (Ingram et al., 2007; Schneider & Ingram, 1997; Schneider & Ingram, 2005). Contender groups tend to have negative social constructions, even though they usually have a high level of political power. This group consists of the wealthy, labor unions, Wall Street bankers, the gun lobby, and polluting industries that are seen as undeserving and perceived as greedy or as having ill moral reputes (Ingram et al., 2007; Schneider & Ingram, 1997; Ingram & Schneider, 2005).

The remaining two targeted populations, dependents and deviants, are not politically powerful and also consist of a deserving and an undeserving group.

Dependents, generally seen as worthy of benefits, are usually lacking in political resources and are perceived as not contributing to the generation of wealth in society. They are viewed as powerless and helpless, but also socially constructed as deserving of others' pity at the very least. This population includes the homeless, children, widows and orphans, and other less fortunate social groups. Deviants are likewise politically powerless, but bear a negative social construction as an undeserving group with essentially no value to society. This group includes gang members, criminals, terrorists, sex offenders, and others accused of legal and moral offenses. Members of the deviant population are the recipients of sanctions and punishments due to their image as dangerous or violent (Ingram et al., 2007; Schneider & Ingram, 1997). Overall, each of the four groups are socially constructed based on a majority group's perception.

The data from WI, as the following analysis will show, constructed the targeted population of the school choice voucher policy as a dependent group, in need of someone with political power to advocate for them. They did not have the political resources to help themselves, but leaders in government and other groups and institutions determined the targeted group to be deserving and came to their aid to distribute resources.

Ingram et al. (2007) posited that:

To continue working on the assumption that politics is only about power resources or advocacy coalitions or about the rules of various institutions is short-sighted. . . . Policies, and the social constructions embedded in them, are on the advancing edge of institutional and social change. (p. 120)

Targeted policies, such as the targeted school choice voucher policy that was legislated in WI for the disadvantaged students of Milwaukee, confer social meaning to the targeted group and “can serve to diminish social inequality and divisiveness and encourage active citizenship” (Ingram et al., 2007, p. 120). From the WI data, I developed the theoretical proposition that a dependent group was identified by the policymakers and political leaders in power and they consequently allocated benefits to the deserving population.

There are aspects of the battle for the MPCP and the targeted group of families in Milwaukee that veer from the prescribed elements of a dependent group. Although the targeted group of families gained advocates due to their perceived need and lack of economic or political power, their situation was not seen as a “natural product of their lack of capability and productivity” which generally defines dependent groups (Schneider and Ingram, 1997, p. 123). Many influential policymakers and community leaders did not perceive the needy situation of the inner city families of Milwaukee as a fault of their own, but rather it was viewed an injustice by the MPS in its failure to deliver a quality education, even an adequate education. Yet, this failure on the part of a government institution did not alter their dependency status as a socially constructed group in the Milwaukee debate.

Schneider and Ingram (1997) explained that sometimes “degenerative” tendencies occur in policy designs, where dependent groups are assigned burdens instead of benefits, are labeled and stigmatized, and are given this message:

Their problems are their own responsibility, but they are unable to solve them by themselves. ... It is not in the public’s interest to solve their problems, and they

get attention only through the generosity of others. ... government is responsive to them only when they subject themselves to government and relinquish power over their own choices. (p. 143)

This was not the case for the families served by the MPCP. Rather than invalidate the theory of the social construction policy framework, this difference identifies the changing status of the dependent group, acknowledged by Schneider and Ingram (1997) as a process that can occur when “legal, ethical, or moral claims for equality and justice” are the impetus for the newly acquired political power (p. 119).

Frequently, dependent groups will become emergent contender groups as a result of legislative acts or court decisions. Naturally, the threat of a powerful contender group developing gives advantaged groups significant motivation to oppose the social construction of dependent groups. They realize if favor continues to sway in the dependent group’s direction, it could be a contender group in the making. Many times a group’s transition from dependent to contender is the result of “social movements from ordinary people who are unwilling to accept their lack of power and unfavorable constructions” (p. 145). Polly Williams serves as a prime example of one unwilling to accept the lack of power she herself held as a MPS parent and later proved to be unwilling to accept the lack of power of her constituents to change their circumstances.

Ingram and Schneider (2005) explained:

The politics of race, class, gender, and sexuality are, in general, an attempt by previously disadvantaged groups and their advocates to reconstruct themselves as more deserving or to gain sufficient political power so that image will become less important. The resistance from established or privileged groups—either to a



change in the social construction or to the increased political clout of previously marginalized groups—creates intense divisiveness around such issues. (p. 21)

Indeed, decades of attempted policies and political strategizing served in totality, even if unknowingly, to establish the social construction of the inner city students of MPS as disadvantaged, marginalized children who were worthy of meaningful attention and effective assistance. By the time the voucher legislation made it to the floor of both WI legislative houses, no one with the power to block it stepped forward. There were no arguments that this group did not deserve legislative action. The legislation passed and the governor was ready to sign it and empower a formerly disenfranchised group of citizens. All these details pointed to the applicability of the social construction framework.

The interesting twist to this theory is that the social construction framework provided the impetus, the motivation and, some would say, the moral mandate to advance the MPCP legislation. However, it was pushed forward, argued, and defended by an advocacy coalition and ultimately became a legislative victory in keeping with the multiple streams framework.

### **Advocacy Coalition Framework (ACF)**

The concept of a coalition was significant in the data and I was obligated to pursue the framework of an advocacy coalition (Birkland, 2005; Sabatier & Jenkins-Smith, 1988; Sabatier & Weible, 2007). Some of the terms found in the data to describe the joint forces working towards voucher legislation were a “conditional alliance” (Carl, 1996, p. 267), “unusual allies” (Carl, 1996, p. 266), “strange bedfellows” (Pedroni, 2003,

p. ii), and a “mélange of people” (Schmitz-Zien, 2003, p. 39). The data overwhelmingly confirms that several key players involved in the voucher legislative process held differing ideologies and value structures, yet they joined together to back one major reform option.

According to Sabatier and Weible (2007), the ACF model sets forth a belief system with three tiers that can influence coalitions: deep core beliefs, policy core beliefs, and secondary beliefs. The three levels of beliefs move from more broad and overarching assumptions to specific and narrow in scope. Generally, participants in policy reform will seek out those with similar policy core beliefs, which may be based on deep core beliefs, but not necessarily. Although participants in an advocacy coalition share policy core beliefs, they may disagree on secondary beliefs. Participants agree to coordinate their efforts based on the shared policy core beliefs and on those issues they build the consensus and trust needed to support a coalition.

Sabatier and Weible (2007) offer several interesting criteria about beliefs within an advocacy coalition. “Actors from different coalitions are likely to perceive the same information in different ways ... actors value losses more than gains ... [they] remember defeats more than victories” (p. 194). These tendencies create distrust between coalitions and sometimes produce “the devil shift,” in which actors “view their opponents as less trustworthy, more evil, and more powerful than they probably are” (p. 194). These actions can strengthen the bonds within an advocacy coalition and, naturally, magnify the conflict with the opponents.

Examining the WI data with the ACF in mind, the voucher advocates appear to have formed an advocacy coalition, not just specifically for the purpose of voucher legislation, but for *some type* of reform to address the glaring achievement gap and the high drop-out rate in the MPS inner city schools. Advocacy coalitions typically work for a decade or more to attain policy change. The advocacy coalition in WI did not form spontaneously in hopes of voucher legislation in 1989-1990; rather, the participants in that coalition worked for years to change the circumstances and consequences for poor and minority students in the underperforming schools. The specifics of exactly how that reform might happen were more secondary concerns in WI, and only when a targeted school choice voucher proposal was made did the proponents lock arms around the voucher idea (Sabatier & Weible, 2007).

Rather than saying WI's voucher advocates formed an advocacy coalition to support the MPCP legislation, it is more accurate to say that the advocacy coalition formed around the belief that something must be done about the MPS policies and the problems in inner city schools. The ACF applies to the community and political processes that took place in Milwaukee, but the participants coalesced around the call for social justice in public schools. The social construction of that targeted group was the impetus for the coalition.

In addition to the work of an advocacy coalition, the MPCP legislation was successful because the problem in MPS inner city schools, the policy of targeted school choice vouchers, and the politics of ideology and political parties merged at the right time, creating a window of opportunity, as described by the multiple streams framework.

### **Multiple Streams (MS) Framework**

The multiple streams framework describes an enactment of policy that results from the multiple streams of problems, policies, and politics diverging in a policy window that allows the streams to be coupled, raising a particular policy to the forefront (Kingdon, 1995; Zahariadis, 2007). This framework was briefly described earlier as important to Woods' (1999) study of the MPCP. Woods determined that this framework was not sufficient in and of itself to explain the MPCP policy success because Kingdon's (1995) model of the process streams is particularly concerned with how legislative agendas are set and how legislators begin to perceive an issue as a problem. Essentially, the MS framework attempts to explain why some issues get attention and others do not.

The MS framework does apply, then, to the focus of my research questions, "How did the voucher policy advance in spite of controversy?" Furthermore, as worded in the secondary question, "What policies, political factors, and key players made a voucher program a reality in Wisconsin?" I believe the data bear out that the MPCP legislation would not have made it to the floor of the General Assembly, nor to the governor's desk, nor into law, without the three streams of problem, policy, and politics coming together at the right time.

The problem, political, and policy streams had not merged during earlier efforts in the 1980s, even with controversies such as forced busing or the call for a Black school system. The lack of quality alternatives for poor and minority inner city students was evidenced in every study I reviewed, clearly identifying a problem. Included in the broader problem itself was the nonresponsiveness of MPS in offering a viable solution

and the unsuccessful attempts at various reforms and strategies to seek quality alternatives. Further evidence of a problem was the publication of the 1985 *Study Commission's* Report as described earlier (Carl, 1995; Hill, 1998; Holt, 2000; Pedroni, 2003; Schmitz-Zien, 2003; Thompson, 1996; Wood, 1999).

The policy stream merged with the problem stream with the drafting of the MPCP legislation and in direct response to the problem and the unsuccessful attempts to address it in past decades. The MPCP was not the first policy proposed to address the problem and by the time of its passage some of the original language and intent was lost. It was not mere coincidence that the MPCP policy would attempt to address the problem of quality alternatives for inner city poor and minority students. The two streams of problem and policy would not result in any significant outcome without the politics stream providing a window of opportunity.

Politically, Polly Williams is credited with getting the MPCP legislation passed, given her connection with a key senator who could attach it to a budget bill. Dr. Fuller remarked, "There wasn't any mysticism to it or anything. But we just had the right forces working on it at the right period of time who were knowledgeable about how to get legislation passed. And, you know, deals were made" (H. Fuller, personal communication, March 22, 2010). In addition to the deals made, the political alignment of a Black Democratic representative, a White Democratic mayor, a racially mixed group of legislators, a Black inner-city community, and independent community schools merged at the right time to make the legislation politically possible. Securing the signature of the White Republican governor completed the accomplishment of that

window of opportunity as the problem, policy, and politics merged. Dr. Fuller stated with assurance that, “If Tony Earl had been re-elected instead of Tommy Thompson, we never would have had the program because Tony would have vetoed it” (H. Fuller, personal communication, March 22, 2010).

Just as the social construction of a targeted group that deserved the allocation of benefits was the focus of the advocacy coalition formed in WI, the merging of the streams of the problem, the policy, and the politics was set in motion by a socially constructed disadvantaged group of students and their families. The problem was identified as trapped poor, mostly minority students in failing schools with no recourse. The advocates believed that society owed those families more and they convinced the necessary leaders and legislators to agree with the problem and the policy.

### **Summary of Wisconsin Analysis**

As I set out in this study to explore the policies, politics, and players that advanced the voucher movement in WI, I posed the question, “What areas of controversy were prominent in the Wisconsin voucher debate and how did the policy advance in spite of those controversial areas?” The policy advanced precisely *because of* the controversy over the bused students from the inner city and the need for strong neighborhoods and neighborhood schools in the inner city. The controversy over how to address low achievement, high achievement gaps, and high drop-out rates among poor and minority students in the inner city schools produced a successful targeted school choice voucher program. It did so because an advocacy coalition formed and contributed to the advancement of the problem, the policy, and the politics. The data offers substantial

evidence that the social construction policy framework can be credited with advancing the voucher policy. I suggest that the MPCP would not have been proposed or successfully passed without a clearly defined, identified group of underserved and deserving students and their families.

If Ingram et al. (2007) are correct in that, “Policies and the social constructions embedded in them, are on the advancing edge of institutional and social change” (p. 120), then the small institutional and social change that began in WI in 1990 may offer insight into what would advance vouchers in other parts of the country. As the research setting moves to NC in Chapters V and VI, I consider how research participants view the social construction of dependent, deserving groups, particularly groups of marginalized, disadvantaged students, and to what degree participants believe such groups deserve legislative intervention—such as targeted vouchers—to assign benefits.

## CHAPTER V

### NO PARENTAL SCHOOL CHOICE VOUCHERS IN NORTH CAROLINA

Though we must be cognizant of our past so that we do not repeat it, we should not be shackled by our past when we see an opportunity to get a generation of kids to the next level (Darrell Allison, personal communication, May 26, 2010).

#### Studying North Carolina

After seeking to understand how the MPCP could become legislation in a state like WI with a Blaine Amendment and a powerful teachers' union, and in a city considered a Democratic stronghold, I wanted to similarly explore the policies, politics, and players of NC. My second research question was now even more meaningful by making comparisons to the discoveries of the WI process: "What worked in Milwaukee and why?" was now followed by "What political and policymaking factors explain the *absence* of a voucher policy in North Carolina?" I also set out to answer research question 2(b): "What areas of controversy have been prominent in voucher debates and through what means have opponents prevailed?"

North Carolina maintains over 2,500 public schools within 115 school districts serving almost 1.5 million children. Each of NC's 100 counties maintains a county school district, with an additional 15 city school districts interspersed among 11 of those 100 counties. Every four years the citizens of NC elect a State Superintendent of Public Instruction in a partisan election. Currently, Democrat June St. Clair Atkinson holds that



position (<http://www.ncpublicschools.org/docs/fbs/resources/data/factsfigures/2009-10figures.pdf>; <http://www.ncpublicschools.org/statesuperintendent/>).

The State Board of Education in NC consists of 13 governor-appointed members and each school system has its own local governing board. The State Board of Education holds to the following mission: “Every public school student will graduate from high school globally competitive for work and postsecondary education and prepared for life in the 21<sup>st</sup> century” (North Carolina Public Schools, n.d.). In studying NC, I wanted to interview leaders who worked in varying facets of the public school system as well as leaders who envisioned alternatives to the public schools.

The process of data collection in NC was a different process from that of WI’s data collection, given that so many studies had previously been conducted on various aspects of Milwaukee’s voucher program (MPCP). Other than the 1982 Boggis study previously mentioned in Chapter II, I found no NC studies attempting to analyze the educational and political climate for vouchers. In fact, participants in my study, thirteen interviewees working as educational and political leaders across the state, noted that there is rarely any talk of vouchers in educational and political circles anymore, at least not in official circles. One participant noted, “These are arguments held in the hallways, not the committee rooms” (Participant #3, personal communication, March 2, 2010). Any recollection of meaningful voucher discussions went back to the mid 1990s, when the Republican-controlled state legislature raised a proposal. The events surrounding that proposal proved to be an interesting part of this study and will be shared in a later section.

Another difference from the WI study is that in NC I pursued the narrative data first. It was the interview participants who led me to documents, historical data, and published position papers. I began by contacting known political and educational leaders across the state whose position on vouchers was known through public statements or could be assumed by their role in education. Those participants led me to other participants, particularly when I asked each participant to name key figures or organizations in the state who might be a critical player in a voucher debate. They also led me to articles, reports, and websites for relevant organizations and associations.

The thirteen NC participants interviewed for this voucher study are from various parts of the state and each one currently holds a position of political or educational leadership, with the exception of one former city leader, now working in the private sector. The participants are very active state-wide and have in-depth experience with the educational and political policymaking processes of NC. Four of my interview participants agreed to be identified:

Linda Harrill, President, North Carolina Communities in Schools;

John Dornan, President and Executive Director, Public School Forum;

Representative Paul “Skip” Stam, Republican, North Carolina House of Representatives, District No. 37, Wake County; and,

Darrell Allison, President, Parents for Educational Freedom in North Carolina (PEFNC).

The remaining nine participants represent several political and/or educational organizations or interests, including the NC Legislature (both Democrats and

Republicans from the House and Senate), K-12 public education associations and advocacy groups, and independent education foundations and organizations, both for and against the use of school choice vouchers in general. I also interviewed a staff member of a statewide leader, who spoke for the leader under the condition of anonymity.

The interviews took place either in person or over the telephone and ranged from 50 minutes to 3 hours, depending on the length of the participants' responses, with the average interview lasting about an hour and fifteen minutes. When I interviewed Mr. Allison for a previous study in 2008, I learned that Parents for Educational Freedom in North Carolina (PEFNC) advocated for parental school choice. I returned to interview Mr. Allison again, this time asking the specific research questions in my study and learning how PEFNC has grown and evolved over the past two years.

The participants' positions about parental school choice vouchers fall into two broad categories as follows: (1) five participants, whom I termed the public education advocates, are against any type of voucher or parental school choice policy (although they may support public choice); and, (2) eight participants who are open to parental school choice, sometimes including vouchers and other times not. Of those eight, one participant, Darrell Allison (of PEFNC), specifically promotes several choice options, including vouchers, and one participant, Representative Stam, specifically promotes tax credits only. Three are open to voucher policies but have reservations and would want to see the details, and the other three are supportive of trying various alternatives and would like to see a voucher proposal. Linda Harrill, a participant who is open to choice options, expressed a limited knowledge of voucher programs across the country, but believes that

educational alternatives including vouchers should be considered because of her concerns with the present quality of K-12 public education. Four of the five K-12 public school advocate participants are or have been involved in educational lobbying or advising to some degree, as opposed to one participant from the parental school choice group.

Due to the nature of my participants' knowledge about choice, and specifically voucher proposals, and their sometimes broad responses, I tended to group their data into the two broad categories of "K-12 public school advocates" (the term my participants used to define themselves) and "the advocates of parental school choice." This is not to imply that advocates of parental school choice are against public schools. For the purposes of my study, both groups are named with positive labels indicating their position relative to my topic. The references to school choice in this study refer to private school choices and educational alternatives outside the public school realm, as opposed to public school choices such as charter and magnet schools. Some of the participants for parental school choice either had no familiarity with targeted school choice vouchers or did not view them favorably.

Table 2 provides a glance at each participant's role and position on the school choice and voucher issues.

<b>Table 2. Participants in NC Parental School Choice Voucher Study</b>			
<b>Participant</b>	<b>Role</b>	<b>School Choice Position</b>	<b>Specifically Supports Vouchers</b>
#1	Former city leader	For	Yes
Linda Harrill	President, Communities in Schools	For	Maybe
#3	Legislator	For	Yes
John Dornan	President, Public School Forum	Against	No
#5	Incomplete-Withdrew	-	-
#6	Director of statewide education organization	For	Yes
#7	Executive Director of K-12 public education organization	Against	No
#8	Staff member of state official	Against	No
#9	Government Advocate for K-12 public education organization	Against	No
#10	Legislator	For	Maybe
Paul “Skip” Stam	Legislator	For	No
#12	Legislator	For	Maybe
#13	Government Advocate for K-12 public education organization	Against	No
Darrell Allison	President, Parents For Educational Freedom in North Carolina	For	Yes

Altogether, the narrative and archival data supported the development of a possible theory about the absence of a voucher policy in NC. The data also revealed that a debate is waiting to take place, given the right statewide political dynamics.

### **Part I: The Historical Background and Legal Context**

As one might expect in any state, NC has a rich history of policies and politics and some interesting players, particularly so in the realm of education. Much of the current climate in education reform is grounded in a legal background that continues to frame some of the arguments of today. The historical occurrences and legislative actions recounted here centralize around disagreements over inequities. Whether inequities in funding, inequities in educational opportunities, or inequities linked to race, there have been significant legislative and judicial efforts to provide a more equitable education system in funding and in opportunity for NC's children.

In this section, I will trace back to the 1868 constitutional system of education funding, examine the Basic Education Program legislation of 1983, and describe the racial context and inequities during this same period. I will also provide the timeline and determinations of a high-profile and high-impact court case, *Leandro v. the State of North Carolina*, initiated in 1994, in which plaintiffs sought remedy for inequities in education funding.<sup>2</sup>

<sup>2</sup>State Superior Court Judge Howard Manning, who presided over the case, is the source of my opening quote in Chapter 1, which referred to the education results in the rural and heavily minority Halifax County School System as "Academic genocide."

The *Leandro* lawsuit, brought against the State by five low-wealth and six urban school districts, drew attention to NC's system of education funding and raised questions about whether the funding was equitable for disadvantaged students, rather rural or urban. Although the rulings from *Leandro* addressed these concerns, North Carolina's funding system continues to remain a disputed matter across the state today, fueling the voucher debate with charges of draining funds from public schools.

Finally, in Part I, I will provide current data from several of the NC school systems which were parties to the *Leandro* case. I will examine the demographics and academic performance of those systems fourteen years later (2008 data), to determine if evidence suggests that the remedies of *Leandro* have brought greater equity and thereby educational success to those communities.

### **Providing a Free, Uniform System of Equal Opportunities for All Students**

Article IX of North Carolina's State Constitution, ratified in 1868 and titled *Education*, provided for "free public schools for North Carolinians between the ages of six and twenty-one." The General Assembly of 1875 greatly amended that document and required racial segregation in schools, which was sometimes called segregation *de jure*, or by law. When the United States Supreme Court sanctioned "separate but equal" facilities in the Plessy v. Ferguson case of 1896, NC was already funding and providing separate schools for Black and White students (Currie, 2010; Walbert, 2009).

North Carolina's Constitution, Section 2 (1) and (2) reads:

General and uniform system: term. The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools,

which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.

Local responsibility. The General Assembly may assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate. The governing boards of units of local government with financial responsibility for public education may use local revenues to add to or supplement any public school or post-secondary school program. (State Library of North Carolina, 2010)

NC's Constitution calls for equal opportunities for all students in free public schools that are uniform, allowing local officials to determine the level of local financial support. Just a cursory look at Section 2 (1) and (2) reveals the "built-in" contradiction of maintaining "uniform" schools with "equal opportunities" which will be funded differently by local governments with vastly different resources. NC's system of education funding is a critical point in the overall private-public school debate, since poor public school academic performance, many times blamed on lack of funds, is an argument for giving families a private choice. This ongoing controversy influences educational and political leaders' beliefs about why certain subgroups of students and some public schools are failing. Although I will describe here the legislative and judicial ways this funding discrepancy has been addressed, it remains a point of contention with public school advocates.

### **Basic Education Program**

The two issues that flow from Section 2 of NC's State Constitution are about (1) the "uniform system of free public schools ... wherein equal opportunities shall be provided for all students," and (2) the fact that the "local government ... may use local



revenues to add to or supplement any public school” (State Library of North Carolina, 2010). Critics contend that a uniform system cannot be established if local governments provide disparate funding for the various systems across the state. They contend, however, not that the funding should all be equal, but that the funding should be greater for poor rural and urban districts where they believe students are more expensive to educate.

In 1983, the General Assembly sought to specify the expected outcomes (the equal opportunities) of a K-12 public education and directed the State Board of Education to determine what a child’s basic education program would consist of and what it would cost, which would help the State allocate sufficient and equitable funding. In 1985, the Basic Education Program legislation was enacted as General Statute 115C-81. It is now a fifty-one page document that defines what a “fundamentally complete” twelve years of instruction should include by describing the needed curriculum and standards, skills and objectives, material support, staffing support, and supplemental services. With this legislation, the General Assembly allocated funds, not only for the ultimate full funding of the Basic Education Program, but also for the low-wealth counties, in an attempt to better equalize resources and, ultimately, academic performances (North Carolina Legislature, n.d.; North Carolina Public Schools, n.d.).

### ***Leandro***

With the Basic Education Program due to be fully funded and implemented by July, 1995, it seems no coincidence that in May 1994, five low-wealth counties initiated a lawsuit against the State, charging that they were not funded with enough resources to

provide a basic education to each child. The school boards of Hoke, Cumberland, Robeson, Halifax, and Vance Counties joined in a suit with parents and students, including one named Robb Leandro, the lead plaintiff, charging that students in their districts were lacking the educational opportunities available to students in wealthier districts. The plaintiffs in *Leandro* were joined by six urban school districts making similar charges in reference to their disadvantaged student population due to socioeconomic status, special education needs, or students who were English-Second-Language (ESL) learners. Those urban districts were Asheville City, Buncombe County, Charlotte-Mecklenburg, Durham County, Wake County, and Winston-Salem-Forsyth (*Leandro*, 1996).

Together, the plaintiffs argued that it costs more to provide a basic education to disadvantaged children, a child's quality of education should not be determined by the family's socioeconomic status, and urban schools have higher numbers of disadvantaged students who are more expensive to educate. Therefore, the State's funding formula was not providing equal opportunities for the low-wealth systems and the urban systems with inner-city schools. Although these school systems served large numbers of racial minorities, their arguments for greater equity in funding were based on the socioeconomic status of their school families, rather than on race.

The progress of the *Leandro* proceedings, originally filed in 1994 and ultimately moving to the North Carolina Supreme Court, has dominated NC's educational debate and legislative determinations for over a decade as the following timeline documents.

Leandro v. the State of North Carolina 1994 – 2010

- 1994 – Robb Leandro, lead plaintiff, filed lawsuit in State Superior Court;
- 1996 – Dismissed by Court of Appeals, ruling that the constitution does not require equitable funding of public schools;
- 1997 – The State Supreme Court overturned that ruling and restored the case, stating that every child has the right to receive a “sound, basic education.”  
However, the Court did not condone changing the state’s funding system;  
appointed Superior Court Judge Howard Manning to determine if a sound, basic education is being provided;
- 1999 – 2002, a series of rulings from Judge Manning:
  - North Carolina’s system of funding is constitutional;
  - Funding to poorer districts was not mandated;
  - State must provide pre-K programs to at-risk four-year-olds
    - 2001 - More at Four program was created;
  - Gave the State one year to devise a better plan to serve at-risk students;
- 2002 - Ruled that it is the State’s responsibility to provide equal education to all students and ordered the State to “remedy the Constitutional deficiency for those children who are not being provided the basic educational services” of competent teachers, good principals, and sufficient resources; minimum academic performance is Level III (proficient), also meaning at or above grade level;
- 2002 - In July, State appealed to the North Carolina Supreme Court;

- 2003 - State challenged 2002 ruling that students who score below III on year-end tests are not receiving a sound, basic education;
- 2004 - State Supreme Court agreed with trial court rulings of 1999-2002, except pre-K program for at-risk children;
- 2004 – Disadvantaged Student Supplemental Fund (DSSF) was legislated, providing additional funds on basis of percentage of disadvantaged students;
- 2005 – Gov. Easley ordered Turn-around Teams to 44 high schools where year-end test scores were at 60% below proficiency;
- 2006 - State funded a 9.6% increase in K-12 education budget with increases for low-wealth school districts, expansion of program for disadvantaged students, and \$17.9 million in lottery proceeds marked for More at Four expansion;
- 2009 - State cut budgets due to economic downturn; more difficult to meet requirements of “competent teacher, good principal, and adequate resources;”
- 2009 - Judge Manning charged Halifax School System with “academic genocide;” grades 3-8 tests indicated 25.5% proficient in reading, 39.7% in math;
- 2009 – In October, Judge Manning held hearing to assess progress in light of fiscal cuts; noted serious economic impact on remedies; ruled that NC must still provide components of sound, basic education;
- 2010 – Judge Manning ordered NCDPI to appear May 4, 2010, to describe steps in providing “quality classroom instruction, competent leadership, and resources”

(*Leandro vs. State*, 1997; National Access Network, 2010; ncblackleadershipcaucus.com, 2008; N. C. Justice, 2009; ncpublicschools.org, 2001; University Newswire, 2003).

The legislative actions of the General Assembly and the judicial rulings of Judge Manning in *Leandro* were responses to the criticism that the inequities in educational opportunities and funding were the cause of poor academic performance by poor urban and rural students in NC.

In public comments made by Judge Manning in 2003, he reaffirmed his ruling that insufficient funding was not the problem in NC, according to his evidence. What began as an inequitable funding suit became an overall examination of the educational quality of NC schools. Judge Manning noted continued emphasis must be placed on competent teachers, good leadership, and sufficient resources (University Newswire, 2003).

Judge Manning also described in those public comments some of the responses to his rulings in *Leandro*: “They went nuts and told me I was crazy. They basically told me to go to hell. They said they are educators and politicians, and they didn’t have to do what some judge from Wake County told them to do” (University Newswire, 2003).

Contradictory positions regarding the State’s constitutional obligations and responsibilities surfaced in the data from my interviews with K-12 public school advocates and the documents related to the *Leandro* rulings. The State, on the one hand, represented by the K-12 public school advocates, upheld its constitutional obligation to provide a sound, basic education when challenged by choice advocates. On the other

hand, the State appealed the Court's mandates regarding that provision and was forced to respond to Court-imposed deadlines. Representatives of the State blamed funding; yet, Judge Manning ruled funding was not the issue. As the State's synopsis reads, "The Court believes that the funds presently appropriated and otherwise available are not being effectively and strategically applied so as to meet the ... principles of *Leandro*" (North Carolina Public Schools, 2001). Hence, the State may have enough money to provide every student a sound, basic education, but is not using it effectively.

In addition to rural and urban schools being a concern, several participants in my study, both K-12 public school advocates and parental school choice advocates, acknowledged that students with special needs (used interchangeably with disabilities) are not being well-served in some NC public schools. The data from several school systems provided later in this section will bear this out as well (see Tables 3 and 4). Judge Manning's 1999 rulings gave the State one year to devise a better plan to serve "at-risk" students (students not scoring proficient on End-of-Grade Tests, many times students with disabilities).

The weak performance of at-risk students was again blamed on funding. As one K-12 public school advocate stated, "We concede that special needs children are not getting the sound, basic education. That there is inadequate funding" (Participant #13, personal communication, April 5, 2010)—a statement not in sync with what the Court ruled. The participant continued, "We have our agenda, ... which is to strengthen K-12 through more resources" (Participant #13, personal communication, April 5, 2010).

The data already shared from another K-12 public school advocate also indicated that “funding is an issue” (Participant #7, personal communication, March 31, 2010). He proceeded to ask how can places like Halifax County get competent teachers, good leaders, and sufficient resources—the components of Judge Manning’s sound basic education ruling. He continued questioning, “What does it take to educate a student in Halifax who comes from poor surroundings? ... I submit that we probably haven’t figured that out yet” (Participant #7, personal communication, March 31, 2010).

The saturation in the data was thorough. Clearly K-12 public school advocates continue to blame NC’s system of funding as the reason for academic failure. A participant stated: “The Supreme Court in NC has determined it to be unconstitutional with the way we fund public education ... We are, you know, inadequate funding [*sic*], the way money gets allocated on a per child basis, and it’s subsidized by taxes at the local level” (Participant #13, personal communication, April 5, 2010). For some reason, the belief in inequitable funding persists among K-12 public school advocates in spite of at least three major moves by the State throughout the *Leandro* proceedings: 1) the creation and expansion of More at Four; 2) the additional funding provided to low-wealth counties; and, 3) the creation and expansions of the state’s Disadvantaged Students Supplemental Fund.

This argument of inequitable funding stands as a key argument of K-12 public school advocates against allowing any public monies to flow to private schools. The funding of K-12 public education already suffers from inequities and is blamed for poor academic performances. Therefore, according to the advocates, opening up the provision

of education to private sources with the use of public dollars is not an appropriate response, given that poor academic performances by some schools is a funding issue, not one of competence in instruction or effectiveness of curriculum. This argument of inequitable funding explains, in part, why there is an absence of parental school choice vouchers in NC. Rather than solve the funding problem, vouchers are considered by critics to possibly exacerbate it.

Some interview participants from both sides of the debate noted the persistent achievement gap and high drop-out rate of minority students in NC, and they also mentioned the low performance of many rural and urban students, students with disabilities, and other marginalized student subgroups. The parental school choice advocates in my study particularly addressed racial inequities, noting the history of North Carolina, and the potential of school choice to lift up racially oppressed groups. Many of them believe that the low-wealth rural and urban communities are at the heart of the inequitable funding debate due to the large minority populations and, in some cases, very intentional racial inequities that have persisted over the years.

### **Racial Historical Context—A Legacy of Inequities**

When the United States Supreme Court ruled that “separate but equal” facilities for Blacks and Whites was not unconstitutional in *Plessy v. Ferguson* of 1896, NC was already operating under that premise, providing separate facilities for most facets of daily life, including maintaining what was known as “normal” schools to educate future teachers of African American and American Indian students (Currie, 2010; Mintz, 2007).



The historic *Brown v. Board of Education* U.S. Supreme Court ruling in 1954 reversed the approval of “separate but equal,” eliciting a variety of responses from states, school systems, and racial groups across the country. NC was not unlike most of the South in that forced desegregation was met with refusal or at least avoidance by many Whites and this led to the development of alternative choices for the families who could afford them. Different versions of “choice” cropped up in the South, such as state tuition grants and freedom-of-choice policies, with the intent of avoiding integration.

In NC, the 1955 Pupil Assignment Act gave local districts the authority to assign pupils to schools on a race-neutral basis, blocking the opportunity for Black students to transfer schools. This undermined the *Brown* decision and was followed by the 1956 Pearsall Plan containing a provision which could be termed a “voucher,” allowing some White students to avoid integration through the use of a private school tuition grant. The Pearsall Plan also allowed local communities to close the school down if integrated conditions became intolerable (which was typically determined by White parents) and waived compulsory attendance requirements when a segregated school was not available and parents did not want their child in an integrated school (Peebles-Wilkins, 1987).

Only after the Civil Rights Acts of 1964 did racial integration in NC begin to gain statewide momentum. In 1969, the Pearsall Plan was ruled unconstitutional and was repealed in 1971. During that time, however, some areas participated in forced busing for integration, with varying degrees of success (Currie, 2010; Dunn, 2010; Mintz, 2007; Peebles-Wilkins, 1987; Teachers’ Doman, 2010).

In 1971, Charlotte-Mecklenburg Schools (CMS), a system of 84,000 students, almost 30% of which were African American students, was the defendant in a United States Supreme Court case *Swann v. Charlotte-Mecklenburg Board of Education*. In *Swann*, the Court determined that the use of busing and racial quotas was a satisfactory and necessary solution to the segregation that persisted in many schools in CMS. The *Swann* remedies, although not without critics, remained in place until 2002 and influenced the desegregation efforts and strategies of other school systems in the state (Cornell University Law School, n.d.; North Carolina History Project, n.d.).

By 2002, CMS was “considered to be one of the nation’s most successfully desegregated school systems” (Mickelson, 2005, p. 49). CMS practiced mandatory busing for integration until 2002, when it was declared “unitary”—legally desegregated—by the 4<sup>th</sup> Circuit Court of Appeals, and the district began a neighborhood schools assignment plan. (Cornell University Law School, n.d.). Mickelson’s assessment of CMS’s success at desegregation was summarized like this:

Despite CMS’s laudable attempts to racially balance enrollment in its schools, the race gap in achievement persisted. Charlotte’s failure to *implement* desegregation and to provide equitable education for all children is reflective of our nation’s inability to seriously address the roots of the race gap in academic achievement. (Mickelson, 2005, p. 52)

Although a much stronger level of integration was attained through *Swann*, the curriculum tracking practices in some high schools, which internally segregated students, along with a persistent achievement gap based on class and race, brought into question any real measure of success in equitable education opportunities for all students. The

remedies of *Swann* were designed to bring CMS in compliance with *Brown*. While some consider the mandates of *Brown* to have been a “failed social experiment,” others recognize some measure of success (North Carolina Public Schools, May 20, 2004). However, many of NC’s public schools remain segregated and the overall achievement gap for minorities continues today (Mikelson, 2005).

In areas of the South where many Whites resisted desegregation and devised alternatives to complying with *Brown*, impressions about school choice were made on many minority families that persist today. For them, “parental choice,” “vouchers,” “tuition scholarships,” and other educational alternatives are synonymous with segregation and policy options that historically benefited only White families; thus, they want no part of it. This racial history is another reason parental school choice vouchers are not accepted by many minority families, even when their child may be in a failing school.

Several of my interview participants recalled events during those years after *Brown*—through the 1960s and 1970s particularly—either through personal experience or through stories that had been related to them that illuminated the feelings of those times, feelings that are now resurfacing. One parental school choice participant mentioned a conversation he had with a NC African American senator. My participant said this is basically how the African American senator described his feelings about the idea of a voucher:

It’s not so much about who we trust now; but it’s rooted in years of abuse and not being able to trust the lowest common denominator of school systems across this

state. ... There are 114 school systems across this state, and I, as a legislator, may trust my local school district, but at this point, given all of the abuse and inappropriate practices when I was a boy and I observed as a young man, I'm not yet prepared to say that all 114 of them are in that same mold. (Participant #3, personal communication, March 2, 2010)

Another parental school choice participant, a White female, related similar knowledge of the distrust of the current school choice movement in education among minorities due to the not-so-distant history:

That literally happened [Black and White water fountains in schools], that is part of the history. If you lived through that, you are eligible for that fear. ... Christian schools were started in the South, during the 1960s, to avoid integration. They were. There was a whole movement in North Carolina for tax credits and vouchers that had racial overtones. ... So, for the minority community now in North Carolina to embrace what was in 1960 to be racial—the NAACP, they'd have to jump over some hurdles to embrace school choice now. Because the roots of it are, and I hate it, are in segregation. (Participant #6, personal communication, March 18, 2010)

Mr. Allison (personal communication, June 14, 2010) provided an example of his own father's experience in attending a Black school before integration: "He went to a Black school ... and just the stigma of opening up this tattered book that's been duct-taped and seeing twelve names that had this book before him." Mr. Allison was also well acquainted with the response of the South to *Brown*. He explained:

There's a history. Not only with race, but *race connected to education*. As a result of that decision [*Brown*], there was a proliferation in the South, here in North Carolina, of private, Christian-based schools. I've talked to many policymakers, community activists, ... they were living the 50s and 60s ... where, basically, a lot of Caucasian families, in the name of Jesus—again, Christian perspective—they were saying, "Over my dead body—my child will not be in the same school as an African American."

Mr. Allison (personal communication, March 26, 2010) later summed it up, “Education, in terms of parental school choice, is wrapped around race.”

Indeed, when analyzing the data for factors that may be contributing to the absence of a parental school choice voucher policy, clearly, the racial context of choice in the history of NC emerged.

More currently, some school systems today strive for voluntary integration with magnet and charter schools and others use school assignments based on residential zones. Wake County, which includes the schools of the state capital, Raleigh, recently (2010) ended a school assignment diversity plan that was adopted in 2000 and assigned students according to socioeconomic status. The goal was to achieve schools with no more than 40 percent free and reduced lunch student populations, providing racially and economically diverse schools through a family income integration plan.

However, the current trend toward neighborhood schools and community-building strategies led to the voting down of the Wake County policy by the school board in the Spring of 2010 in an attempt to reduce the distance that students were being bused in the name of diversity. The NAACP was adamantly opposed to the change in policy, charging that resegregation would be the result since the communities are already segregated residentially. One of the questions for NC that could be posed by a decision like this is, “If we want to support neighborhood schools and allow students to be educated close to home, how do we make sure every student has access to a high quality education?” Allowing students to attend neighborhood schools was one of the arguments

of Polly Williams for school choice vouchers in Milwaukee. She continually sought to stop the forced busing and allow the poor and minority students in urban Milwaukee to attend schools in their own neighborhood. However, in Wake County, many members of the African American community disagree with that position (csmonitor.com, 2010; newsobserver.com, 2010).

### **The Resulting Questions and Data**

As I reviewed the narrative and archival data that indicated a resistance to allowing parental school choice options and described actions to address racial inequities and inequities in funding and opportunities, several questions emerged. “Why sixteen years of lawsuits and rulings related to *Leandro*? Why didn’t the plaintiffs seek other recourse?” Since K-12 public school advocates have acknowledged that special needs students—those with disabilities—and low-wealth areas are not being well-served in many cases, then “Why not implement a targeted voucher program like the one in Milwaukee? Are minority families hurting themselves by resisting vouchers today based on experiences of the past?” I also pondered my second research question: “What explains the absence of a targeted voucher program?” And to contrast, after reviewing my interview and archival data, I now ask, “What has improved for the plaintiffs as a result of their investment in this court battle? How are minority students, poor students, and students with disabilities faring in the public schools that fought the *Leandro* court battle?”

Since the focus of *Leandro* was twofold, urban areas with inner-city schools and rural, low-wealth school districts, I decided to apply that final question to several of the

school districts in the court case. I explored the current demographic data and academic performances of three of the urban districts and three of the rural districts, fourteen years after the original filing of *Leandro*. Since the plaintiffs chose judicial actions to address poor academic performances (which they say are caused by funding inequities) rather than considering alternatives like school choice vouchers or tax credits for families, I sought to determine what gains have resulted. Can the absence of a parental school choice voucher policy be defended by the successful approaches of increased funding, desegregation, and newly allocated resources aimed at disadvantaged students?

### **2008-2009 Academic Performance of Urban and Rural**

#### **North Carolina School Systems**

North Carolina Report Cards, which report demographic and achievement data in a consistent, comparable format, provide Reports beginning in 2001-2002. These Reports are provided as a reliable source from the North Carolina Department of Public Instruction to inform the public about school performance and progress and are a significant part of the accountability measures referred to by some K-12 public school advocates in my interviews.

Tables 3 and 4 provide current (2008-2009) data for three urban and three rural school districts involved in the *Leandro* case, noting student population, student expenditures, percentage passing end-of-grade and end-of-course tests, and graduation rates, according to subgroups.

**Table 3. 2008-2009 Data For Three Urban and Three Rural School District Plaintiffs in *Leandro* of 1994**

<b>2008-2009 Data</b> School System		Per Pupil Expenditure	Student Population				% Passed Both Reading & Math in Grades 3 - 8			
			All	White	Black	Hispanic	White	Black	E.D.*	SWD**
Urban Districts	Charlotte- Mecklenburg	\$8,619	61,580	34%	46%	16%	86.8%	47.9%	46.7%	29.8%
	Durham	\$10,001	14,127	22%	57%	18%	79.7%	39.1%	33.7%	20.3%
	Wake	\$8,282	63,977	52%	31%	12%	86.4%	45.2%	43.9%	35.7%
Rural Districts	Cumberland	\$8,247	24,043	37%	52%	7%	74.3%	45.3%	47.8%	27.9%
	Halifax	\$10,667	1,899	4%	88%	1%	41.8%	28.7%	26.9%	9.0%
	Hoke	\$8,900	3,602	29%	44%	13%	67.4%	44.3%	43.0%	25.2%

\*Economically Disadvantaged (Free/reduced lunch)

(N.C. School Report Cards, 2009)

\*\*Students with Disabilities



**Table 4. 2008-2009 Data For Three Urban and Three Rural School District Plaintiffs in *Leandro* of 1994**

<b>2008-2009 Data</b>		% Passed End-Of-Course Tests in High School				Four-Year Cohort Graduation Rate			
		White	Black	E.D.*	SWD**	White	Black	E.D*	S.W.D.**
Urban Districts	Charlotte-Mecklenburg	88.9%	64.7%	64.7%	46.9%	81.1	55.5	52.0	39.1
	Durham	82.2%	44.0%	40.4%	31.4%	85.4	56.6	51.1	48.8
	Wake	91.0%	58.5%	58.5%	57.0%	89.4	63.4	54.2	56.8
Rural Districts	Cumberland	79.5%	55.7%	56.3%	35.3%	74.6	71.3	69.1	60.2
	Halifax	51.8%	31.0%	29.8%	13.0%	28.6	57.3	57.1	39.4
	Hoke	75.7%	55.6%	55.5%	37.7%	60.8	63.2	57.6	45.5

\*Economically Disadvantaged (Free/reduced lunch)

(N.C. School Report Cards, 2009)

\*\*Students with Disabilities

The data that I examined was enough to indicate that these six school systems are still struggling to provide the sound basic education for which Judge Manning called. In all but Wake County, the majority population is Black. These school systems are still greatly challenged in serving their minority, low socioeconomic, and students with disabilities populations, even fourteen years after the initiation of the *Leandro* case, which ordered specific improvements for the low socioeconomic population. However, the achievement for students with disabilities demonstrated the most alarming gap of any comparison, with Halifax County posting a 9% pass rate for this subgroup of students in grades 3-8 on end-of-grade tests. Four of the other five systems show less than a 30% proficiency for the same subgroup. The data also indicates that the school system spending the most (Halifax) is showing the worst academic performance.

In spite of the legal and legislative actions of the past several decades, low-performing public school systems in NC are still not producing the sound, basic education to many of their students as expected and “required” by the Court’s ruling. Policies and legislation in NC have been directed at allocating more money to K-12 public schools rather than seeking non-public school solutions.

My narrative data from participants on both sides of the debate indicated that the single focus on K-12 public schools is closely connected to the politics of the state. The next section will examine how the participants described this connection.

## **Part II: The Policies, Politics, and Players That Shape North Carolina Education**

North Carolina's education policy is strongly influenced by partisan party politics and the connections between the Democratic Party, education leaders and associations, and members of the General Assembly. In Part II, I will describe political activity in the General Assembly as described by my participants and as documented in the legislative records. Those records will lead me to discuss the advent of charter schools in NC, and specifically my analysis will consider the work of KIPP Academies. I will then turn to the recent legislative attempts to address students with disabilities. Finally, Part II will describe the coalition that exists between public schools and its supporting associations, organizations, and leaders. The absence of any school choice voucher legislation in NC can, in large part, be attributed to the strength, pervasiveness, and force of this coalition, in spite of the fact that a few legislators have attempted to address the looming achievement gap among students with disabilities. Those legislators' school choice reform strategies, however, are not in sync with the Democratic Party or with dominant education leaders across the state.

### **A "Blue" State: North Carolina and Democratic Dominance**

The single, most pronounced factor influencing the controversy surrounding vouchers and statewide school choice politics indicated by the data is political party affiliation and the impact of the North Carolina Association of Educators (NCAE) on members of the Democratic Party. The methodology chapter of this study bore out the political context in NC where 53% registered voters are Democrats and 34% Republicans (North Carolina Political Parties, 2009). The state has been influenced by the leadership

of Democratic Governor Jim Hunt from 1977 to 1985 and from 1993 to 2000. Hunt was followed by Democratic Governor Mike Easley in 2001 and Democratic Governor Beverly Perdue in 2009. With the exception of twelve years of Republican leadership, NC has had a Democratic Governor since 1901, almost 100 years.

The voters of North Carolina re-elected the Democratic Superintendent of Public Instruction in 2008 for another four-year term. The State Board of Education membership consists of the Lt. Governor (a former Democratic state senator), the Treasurer (a former Democratic state senator), and 11 other members, along with the chairman, who are appointed by the Democratic governor (North Carolina Public Schools, n.d.; North Carolina State Board of Education, n.d.).

The NC General Assembly has experienced similar dominance by one political party. The impact of this political party domination emerged as a core category, reaching a saturation point unparalleled by any other category that emerged from my interview data. One choice advocate pointed out that, “The Senate has *never* had a Republican majority since Reconstruction, and the House has only had four years” (Participant, #3, personal communication, March 2, 2010). That is over a century of Democratic control in the NC Senate, and for decades the Republican senators numbered one or two. In 2009, Democrats controlled the Senate 30 to 20 and the House 68 to 52. Both choice advocates and opponents acknowledged and elaborated on the single party control of the direction of education in NC. Typically, Democratic leaders in NC do not support educational choice alternatives such as vouchers or tax credits. This has shown to be true of Democrats in national politics as well.

One Republican choice advocate who longed for a healthy debate around the parental school choice issue charged, “A legitimate open public debate around school choice options has been suppressed. ... it can be proven empirically by the sheer number of school choice bills that have never been heard in committee” (Participant #3, personal communication, March 2, 2010).

In addition to the Democratic Party dominance, the North Carolina Association of Educators (NCAE)—the state affiliation of the NEA—is credited with being a dominating political force in the General Assembly and across the state. According to my participants, the NCAE, which has also historically opposed school voucher options, has a statewide network of education leaders and activists, as well as resources and influence that eclipses any other politically active association emerging from my study. The influence of the NCAE, and other associations and organizations aligned with their purposes, on the education votes of Democratic members of the NC Legislature was described by both Democrats and Republicans in my interviews. However, there was a relatively brief period in NC legislative history during which Republicans had some measure of power.

#### **Four Brief Years: A Republican-Controlled House**

As noted earlier, the House had four years of Republican majority during 1994-1997, the first Republican House majority since the Civil War. During that period, in the 1995-1996 legislative session, Republicans held a 16-vote majority, which dwindled to two the following year (NCGA Party Affiliations, 11/14/08). Several House bills were proposed by Republicans throughout these years, indicating that they welcomed the

opportunity to explore school choice reform measures in addressing the concerns with NC's public schools, such as tuition grants for students with disabilities and/or disadvantaged families. At least two Republican-sponsored bills were referred to a House committee during the 1995-1996 legislation session, both of which provided choice alternatives for families.

**House Bill 781.** House Bill 781, "Public School Tuition Grants," sponsored by Republican Larry Linney, provided tuition grants (vouchers) to K-12 school children to attend nonpublic schools that satisfied the regulatory requirements to participate. K-12 Legislative Tuition Grants amounted to 100% of the state per pupil expenditure (PPE) if the child had a disability ("special needs children") and 75% of the state PPE if the child did not have a disability but the family income was less than 175% of the federal poverty level. The following year, a 50% PPE grant for children in grades nine through twelve whose family income was greater than 175% of the federal poverty level would begin, followed by 50% grants for those in grades K-8 the next year (House Bill 781, 1996).

**House Bill 954.** A second bill, House Bill 954, "Parental Choice in Education," sponsored by Republican Stephen Wood, provided a voucher for any child previously enrolled in public school to attend any participating scholarship school. The voucher would be issued to the child's parent and would be in the amount of \$1,500 or the amount of tuition, if less. The bill also provided a tax credit to parents who were home schooling or paying public school tuition. The credit was \$2,480 for home schooled children and \$3,100 for those paying tuition (House Bill 954, 1996). This bill constituted a general, universal voucher or tax credit for any family not choosing public schools and, although

it would have broken new ground in school choice in NC, universal vouchers are less popular than targeted vouchers or public choice options and this bill stood little chance of survival.

**House Bill 955.** At the same time House Bills 781 and 954 were being debated, House Bill 955, “Charter Schools,” was referred to committee as well. The Charter School legislation had as its House sponsor, Rep. Wood, the first Republican Chairman of the House Education Committee. Senator Wib Gulley, Democrat, who sponsored the Senate version of a similar charter school proposal, worked closely with Rep. Wood until the two legislators crafted a version of the bill they found acceptable to both chambers. Charter schools, being a type of public school choice and remaining within the domain of K-12 public education as described in Chapter I, were considered a more palatable option than choices that included private schools. However, charter schools are still seen as a form of competition to the traditional public schools and the participants in my study confirmed that the resistance that occurred when charter legislation was introduced still continues in some circles.

### **Charter Schools**

After being referred, withdrawn, and re-referred to varying committees during 1995-1996, House Bill 781 and House Bill 954 were both “Postponed Indefinitely” on June 21, 1996, indicating the bills could not garner the necessary support to move beyond committee. On that same date, S.L. 1996-731 Charter Schools (formerly House Bill 955) was ratified. The Charter Schools Act of 1996 is known to the participants in my study as “The Compromise,” meaning a compromise between Republicans (who controlled the

House) and Democrats (who controlled the Senate). Participants from both sides of the school choice debate referred to charter schools and the fact that this form of public choice was more palatable to K-12 public school advocates than legislation that included private school choice. This would seem to imply that at least some Republicans wanted private choices in education and some Democrats wanted no change to the traditional education establishment. The Act had to be a bipartisan effort within the General Assembly since Senate Democrats outnumbered Republicans, and compromises were made between the chambers, including capping the number of charter schools allowable and restricting the enrollment growth of individual schools.

The Charter Schools Act of 1996 places a 100 school cap on the number of allowable charters in the state, which critics call an arbitrary number, and the cap was reached five years after the passage of the legislation. The Act also restricts the growth of each school's enrollment by no more than 10% per year. NC charters have consequently numbered between 95 and 100 for almost the past ten years with currently about 40,000 students attending. Contrast that with the no-limit charter school law of Florida, which currently maintains over 400 charters serving more than 135,000 students (Stoops, 2010). The narrative data in my study indicates that the K-12 public school advocates of NC, many of whom perceive charter schools to be a form of competition, compromised on this legislation as an alternative to school choice legislation that would have extended outside the public school arena to include private schools or homeschooling, but they do not want to see the charter program expanded.



Several of the K-12 public school advocates provided information about what happened politically either at that time or since the passage of the legislation. Advocates' data supports the belief that some type of education bill was going to pass that provided a reform effort outside of the traditional K-12 public school proposals due to the Republican-controlled House.

Mr. Dornan, Executive Director of Public School Forum, was uniquely involved in the charter school debate, given that members of his organization had traveled with policymakers to nine different countries around the world to examine various aspects of education outside the United States. The Public School Forum was the first group to hold a conference on charter schools and they worked closely with legislators as the proposal was crafted. Mr. Dornan made the following conclusions:

When charter legislation passed in North Carolina, there was fairly serious momentum around school choice, including vouchers. And I don't think it is a mistake to say that one of the reasons the charter legislation passed was it was a more palatable middle ground than going vouchers, which was viewed as extreme. And that was no small part of why the legislation passed with bipartisan support. (J. Dornan, personal communication, March 10, 2010)

Mr. Dornan later continued:

I've been trying for years to get us to go beyond the 100 [charter school cap] in certain categories. . . . a proven charter school, like a KIPP approach [seen as a successful charter school by my participants], we should be able to go above 100. I can't get that idea to first base with Democrats. . . . It [charter legislation] had some very liberal Democratic support. One of our more liberal members of the House . . . really wanted to see choices for kids in Durham, which has historically had pretty troubled schools in the inner city. . . . When the original charter legislation passed, . . . a coalition that includes the School Board Association, the School Administrators Association, and the State Chamber of Commerce—that coalition initially supported the original charter legislation. . . . The School Board

Association and the School Administrators Association ... did not oppose it the first time around. That has really changed over time. They are now adamantly against charter schools. And the teacher's organization, the NCAE, has been adamantly anti-choice from the beginning and it has remained that way. (J. Dornan, personal communication, March 10, 2010)

Other participants concurred with that sentiment, with one noting, "We currently have our charter schools, which are a public school option. Even though it's still a public school, it takes from the traditional LEA [Local Education Administration]" (Participant #8, personal communication, March 31, 2010). Protecting the LEA seemed to carry weight with K-12 public school advocates as other participants registered similar concerns about diverting resources away from traditional public schools.

The Republican-controlled House has been credited with the success of the charter legislation and now, as Democrats once again control both chambers in the General Assembly, the bipartisan support for charters is waning. Charter schools appear to be seen as a threat (similar to parental school choice vouchers) by many K-12 public school advocates. Traditional public schools find themselves compared to charters in terms of academic performance, as well as according to popularity with choosing families. Since my study focused on targeted vouchers, my research questions did not probe into the area of charters and my relevant narrative data only includes the minimal comments made by my participants as they responded to other questions. For this reason, my data on charter schools is not very deep; however, each participant mentioned charters because the legislation was seen as a compromise between Republicans and Democrats that avoided vouchers and because the charter school cap debate is currently ongoing.

Mr. Dornan (personal communication, March 10, 2010) was again very helpful in understanding the charter controversy. He described himself as a huge fan of magnet schools and a believer in providing public choices. However, he has seen a lack of quality control in the charter movement and believes it has been set back by mediocrity in many of the charter schools. If the quality is monitored more closely and improved, Mr. Dornan believes it can be “a boon for choice and for charters.”

He also noted a reason for the waning support for charters, as well as vouchers. Mr. Dornan (personal communication, March 10, 2010) described what began as a bipartisan attempt to support charter legislation that evolved into a movement dominated by one or two more extreme leaders, causing the charter/voucher issue to become pigeonholed as an extreme conservative idea. Vouchers, in particular, have come to be seen as “an idea of far-right extreme groups and the mainstream education community is entirely against them.” This perspective was also confirmed by some parental school choice participants.

Another K-12 public school advocate explained that the charter was a compromise during the period when Republicans controlled the House. After years of not exercising any power over education reforms, Republicans had the chance to initiate and support alternatives outside the traditional public school. The participant noted, “In 1995, the Republicans controlled the House and proposed vouchers, but still didn’t get it passed. Charters was the compromise. They essentially said to us, charters or vouchers, choose your poison. So charters was [sic] the compromise” (Participant #9, personal communication, April 1, 2010).

School choice advocates spoke about a compromise as well. One unnamed Republican representative referred to charter schools as the form of choice North Carolinians currently enjoy, although it provides only a public school choice. She explained: “It [charters] offers a choice. ... It was the compromise. Yet, there’s still a cap. Not every county even has a charter school” (Participant #12, personal communication, April 3, 2010). The same participant later acknowledged, “I think the big push in North Carolina right now is to raise or remove the cap on charter schools, because that was the compromise” (Participant #12, personal communication, April 3, 2010).

Indeed, the current focus of NC educators and legislators in my interviews, all of whom mentioned charters, is whether or not to lift or remove the cap on charters. Lifting the cap on the allowable number of charter schools in the state would most likely increase the number of charter schools, thereby increasing whatever sense of competition that is occurring. The cap increase is largely opposed by K-12 public school advocates. One participant noted that even though charters are public schools, they still take money away from *traditional* schools, emphasizing the distinction. With 16,000 children on waiting lists to attend a charter school in NC, the debate has real and serious repercussions for students all across the state.

**KIPP.** A particular brand of charter schools, called the Knowledge is Power Program (KIPP), received accolades from both school choice and public school advocates in my study. KIPP Academies are charter schools that serve low income and minority students mostly in grades five through eight. There are two KIPP Academies in NC,

located in Gaston and Charlotte, and over 80 across the country. KIPP has developed a reputation for being a successful charter with 80% of students being low-income and 90% African American or Latino. Nationally, more than 90% of their middle school students go on to attend college preparatory high schools, and more than 80% of KIPP graduates have gone on to college (KIPP Gaston, 2010; Economist, 2009; Tuttle, Teh, Nichols-Barrer, Gill, & Gleason, 2010; Headden, 2006).

Mr. Dornan (personal communication, March 10, 2010), a K-12 public school advocate, spoke openly about the academic success of NC's KIPPs:

We have a KIPP school in Halifax County [Gaston], or, one of the far eastern counties ... and they are doing gangbusters, yeah. They are really doing well. But they're doing so well that what you'll hear from the traditional education community is they are skimming off the best kids, they're getting the parents who care about education, they can get rid of students if they don't meet their standards.

Mr. Dornan was correct, in that I have heard several times that private and charter schools which are successful with disadvantaged poor and minority students have selective admittance practices and dismiss students that don't perform well. I welcomed an opportunity to find out if this was true about KIPP and had the chance during my study.

During a Town Hall forum in Charlotte, NC, hosted by Parents for Educational Freedom in North Carolina, the parental school choice advocacy organization, I personally met one of the co-founders of KIPP Gaston College Preparatory (KIPP GCP), Keith Burnham. KIPP GCP was the third KIPP started in the nation, with open enrollment for students in grades five through twelve. KIPP GCP recently sent 100% of

its first graduating class off to college, having earned over \$2 million in scholarships. The school is over 65% free and reduced lunch students and 86% African American (Kipp Gaston, 2010). I asked Mr. Burnham about the statements made during interviews about skimming and dumping students.

Mr. Burnham said KIPP Academies are open-enrollment schools and academic performance and aptitude are not criteria for admission. He said it seems to others like they have skimmed, but he believes it is the commitment to high expectations and the KIPP principles that result in success. Mr. Burnham noted that he has experienced about a 5% attrition rate among students and most of that was attributed to the family moving. Certainly a family can decide that college prep is not for them and choose to leave as well. It should be noted that at KIPP GCP being accepted into a four-year college is a requirement for graduation (PEFNC Town Hall Notes, April 22, 2010). Gaston KIPP is located in North Hampton County, adjacent to Halifax County, NC, location of one of the school systems in the *Leandro* case and the lowest performing school system in my data collection (see Tables 3 and 4).

As we talked, Mr. Burnham also provided some data about the KIPP at which he currently works located in Charlotte. His student body is 70% free and reduced lunch, 98% African American, and two-thirds boys. The new 5<sup>th</sup> grade students (entry level) at KIPP Charlotte this school year came with a 15% achievement in math and 25% in reading (PEFNC Town Hall Notes, April 22, 2010).

Some participants believe there is a growing interest in charter schools by the African American community, recognizing the success of some charter schools with

African American students. One spoke of a Democratic state senator who has spoken out in support of raising or eliminating the charter cap, which was seen as a shift in his position. Other participants talked about a constituency of minority ministers and a large African American church in Durham where there were community meetings of strong advocates of both vouchers and charter schools (Participant #12, personal communication, April 3, 2010; Participant #1, personal communication, February 16, 2010). One participant, a Republican political leader, explained: “In the Durham area, there’s beginning a constituency of minority ministers, in African American churches, who approached me about vouchers and charter schools. And that coalition is continuing to grow. And, in fact, has approached me again” (Participant #1, personal communication, February 16, 2010).

A shift in interest by the African American community, however, could lead to a division within the Democratic Party—a division that most parental school choice advocate participants said would have to occur for choice legislation to make any gains without a change in leadership in the General Assembly.

Although my research questions asked about parental school choice vouchers, the data collected about charter schools, particularly KIPP Academies, raises questions about the education establishment’s opposition to raising the cap on charters, which could allow more KIPP Academies to operate in the state. Charter schools are public schools; they are not private. Mr. Dornan (personal communication, March 10, 2010) explained, “The traditional schools certainly view them [charters] as competitors. And they are very sensitive about comparisons to charters.” It appears that even if charter schools are

making gains, the K-12 public school advocates are opposed to them due to the competition. This would explain their similar opposition to voucher schools that would compete and might be successful.

### **The Political Divide Continues Today**

As noted earlier, the data around party affiliation, the dominance of the Democratic Party in the General Assembly and Governor's mansion, and the influence of the NCAE, as well as other education associations supporting public schools, indicated a dominant political force. Not only did the data begin to show early on that parental school choice advocates believe the NCAE controls many Democratic legislators' votes on education, it also revealed that advocates for K-12 public schools (including the NCAE) openly acknowledge that they will apply their influence any time their interests are at stake. They are committed to K-12 public education and will fight against anything that takes away from it.

### **The Traditional K-12 Public Education Community**

Organizations, associations, and leaders who support K-12 public schools refer to themselves as the "mainstream education community," "traditional K-12 groups," the "education establishment," "advocates for K-12 public education," and the term I have used in this study, the "K-12 public school advocates." The K-12 public school advocates participating in my study were unwavering in their commitment to keeping all resources in public schools. Any other alternative would remove money from the public schools and would be unacceptable.



One K-12 public school advocate was adamant, “Advocates for K-12 education, I think it is safe to say, that we’re gonna argue that putting more resources into K-12 education is the answer” (Participant #13, personal communication, April 5, 2010). Another K-12 public school advocate referred to the pressure applied in the 1995 legislative session, described earlier. “Somewhere in the ’94-’95 timeframe, when the Republicans had control of the House, there was a group put together by the Forum [Public School Forum] to work together against the tuition tax credits and voucher bills” (Participant #9, personal communication, April 1, 2010).

Most participants named the voucher-opposing organizations and associations. They mostly all named the same ones. In the words of one K-12 public school advocate:

On the opposing side you’ve got your traditional, kinda your groups that represent K-12, the School Board Association, the Association of School Administrators, the North Carolina Association of Educators, the PTA, the Professional Educators of North Carolina [PENC], the Public School Forum, has always opposed them [voucher initiatives]. (Participant #9, personal communication, April 1, 2010)

She later added, “And through the years we have in some ways been very lucky that we have had the State Chamber [of Commerce] on our side because we know in other states that is not true” (Participant #9, personal communication, April 1, 2010). Also named as opposing vouchers were the North Carolina Association of Principals and Assistant Principals (NCPAPA) and the North Carolina Justice Center. Furthermore, one participant went on to say, “Democrats statewide are gonna be against [vouchers]. ... And that probably has more to do with how we fund campaigns through interest groups, but that’s another study” (Participant #13, personal communication, April 5, 2010). He

was making reference to campaign contributions to Democratic legislators from groups which are opposed to vouchers.

A parental school choice advocate expressed the belief that the “education establishment” is a “Goliath” in the education setting. “They are already grassroots oriented, their editorials are already written, they have their talking points. It’s a David and Goliath kinda fight” (Participant #6, personal communication, March 18, 2010).

### **The North Carolina Association of Educators (NCAE)**

The NCAE surfaced as the most powerful opposing force in the parental school choice debate in NC. With 65,000 members and \$10 million in annual revenue, legislative candidates seek their endorsement. The second educators’ association, PENC, represents about 10,000 teachers and is powerful to a lesser degree. Several K-12 public school advocates spoke freely about candidate endorsements by the NCAE and its parent institution, the NEA. For instance, Mr. Dornan (personal communication, March 10, 2010), an advocate for K-12 public schools whose party affiliation was not discussed, noted, “Democrats are supported by the NEA. If the candidate doesn’t support public education, then they won’t get the endorsement of the NEA.” Another participant, a Republican senator, confirmed the political party-NCAE connection: “The Democratic Party generally discourages and does not favor vouchers for private schools and the NCAE strongly opposes and has a major influence over Democratic legislators” (Participant #10, personal communication, April 1, 2010). A spokesperson who advocates for K-12 public schools confirmed the expectation placed on legislative candidates:

If you are getting the endorsement of educators and teachers, you cannot receive that endorsement if you are a proponent of privatization, whether it's through vouchers, tax credits or otherwise. ... It is pretty much a hard rule, if you support this, you are not getting the endorsement of teachers, which is still in this state a much sought-out endorsement. (Participant #13, personal communication, April 5, 2010)

The total 75,000 educator association members in the state wield the power of that “much sought-out endorsement,” which translates into dollars, as well as the number of votes they can deliver.

In reviewing the 2009 Legislative Report Card produced by the NCAE, it was noted that 14 of the NC senators were given an “A” (one earned an “A+”) on NCAE issues. All fourteen senators were Democrats. Fourteen “F”s were also given, assigned to Republican senators for not voting with NCAE on issues such as teaching sex education in grades 7-9, bullying legislation, the school start date, and on five other issues related to teacher benefits. Grades were also based on six criteria that demonstrated the legislator is accessible to, a sponsor of, an advocate for, a partner with, and a reliable supporter of the NCAE, with weight given for actual committee votes (NCAE Legislative Report Card, 2009). This is yet another sought-out endorsement—good grades on the NCAE Legislative Report Card. Typically, the high and low grades are right down party lines.

NCAE reported to its members, “Our NCAE Government Relations team is at the General Assembly hours before session gavels and stays well after session ends to make sure our educators are advocated for” (McKillop, 2010). The report continued, “Our lobbyists get messages to the House floor on behalf of NCAE members and legislators are offered guidance on votes” (McKillop, 2010). The NCAE is well-funded and well-

situated to apply great pressure and offer effective incentives to politicians seeking office, as well as continually grow its membership and protect their interests.

The NCAE is determined to block any legislation that supports vouchers or tax credits. As one lobbyist described it:

Any bill [that supports vouchers or tax credits] that gets filed is not heard, is killed at the legislature. . . . [I] work to make sure that a bill has not been filed. If it has been filed, [I] go to the leadership and explain that vouchers and tax credits and privatization efforts are of paramount importance to teachers and educators and that, it is critical that they make no movement in the General Assembly.  
(Participant #13, personal communication, April 5, 2010)

Overall, it is evident that the NCAE is a powerful and sophisticated organization that leads the K-12 public education establishment in funding, influence, and political power.

### **Parental School Choice Advocates**

The participants in my interviews who advocated for school choice vouchers, tax credits, or other education reforms that could include private education providers were a diverse and fractured group of leaders and activists. As opposed to the traditional, mainstream education community which solely supports public schools, school choice advocates may support a variety of alternative proposals and even disagree on which one is more effective, more acceptable, or more constitutional.

My interview questions did not ask participants about their political party affiliation, and no participant volunteered that information. However, of the eight advocates for any form of choice—vouchers, tax credits, or other—five participants are Republican according to public record. One participant could be assumed Republican because of professional affiliation, and two participants' party affiliation is unknown.

Given this information, it might seem probable that the Republican Party advocates for this group, lobbying for school choice, funding school choice candidates, and otherwise lending support. This could not be proven by my data, however. In fact, some elected Republicans are dedicated to supporting and improving traditional K-12 public schools, making it more difficult for school choice advocates to garner support.

Although the strength of the education establishment and the NCAE is exerted on Democrats, it must be assumed that not all Democrats are opposed to school choice proposals, although the five participants that support K-12 public schools in my study are all against any form of private choice (and some are against public choice). As for Republicans, my narrative data revealed the fact that some Republicans are strong supporters of public schools and are not eager for private alternatives, which is another reason there was a charter school compromise and a lack of impetus behind a school choice proposal.

Mr. Dornan (personal communication, March 10, 2010) shed light on this subject when asked about the major reason NC does not have a targeted school choice voucher policy.

Oh, I think a lot of it is the history of governors in NC going back pretty far on being education governors and trying to strengthen the system of public education. I mean, it has been the mantra of both Republicans and Democrats and I think the focus really has been on trying to create a strong system. Now, as we get more and more sophisticated about performance data and drop-out rates don't climb and things like that, um, that's strained because we've been at it a long time and there isn't as much to show for it as people would like. But I still think that undergirding of trying to have a strong statewide system of public schools remains pervasive.

It seems that parental school choice advocates do not have the clear, unequivocal backing of either party. They do not have a professional organization to unite and serve members and a government relations liaison to assist in impacting legislation. Even as the Republican Party works to raise funds and win elections, those candidates may not necessarily support the cause of school choice.

Certain organizations and associations were mentioned by some of my participants and also emerged in my document analysis that advocate for school choice. Such associations include the John Locke Foundation, Americans For Prosperity in North Carolina, John William Pope Civitas Institute, North Carolina Family Policy Council, North Carolina Education Alliance (NCEA), and Parents for Educational Freedom in North Carolina (PEFNC).

The problem for school choice advocates is that most of these associations advocate for a variety of issues and concerns and, although they mostly hold a conservative viewpoint, their interests include economic policy, limited government, citizen mobilization, conservative values, and a host of other issues. Only the last two organizations, NCEA and PEFNC, are strictly interested in education in NC. NCEA identifies itself as a “special project of the John Locke Foundation” and a “nonpartisan think-tank supported entirely from voluntary contributions.” It is described as “Dedicated to the fundamental reform of our state’s education system ... to identify and publicize innovative and effective solutions to educational problems” (NCEA, 2010).

PEFNC stands alone as a group focused only on parental school choice and clearly states its sole purpose: “Greater educational options through parental school

choice. ... Simply put, parental school choice means allowing parents to send their children to their school of choice—public, private or nontraditional—regardless of address or income” (PEFNC, 2010).

Advocates for parental school choice are also splintered into groups that are seeking tax credits rather than vouchers, and target students with disabilities, rather than low-income families or rural and urban students in low-performing schools. These diverse interests and goals seem to perpetuate the powerlessness of any group to come forward with solid backing and decisive purpose for a school choice proposal. Republican legislators who do advance proposals for targeted groups have not been successful in getting any bill out of a committee hearing.

### **2008-2009 A Republican Pushes For Tax Credits**

Representative Paul “Skip” Stam acknowledged that there have been no debates about school choice vouchers in the House during his five years as a representative, but he has initiated and continues to push for proposals allowing tax credits for families who opt out of public schools and for students who have disabilities. Although the 1994-1995 legislative session when Republicans had control was before his time, Rep. Stam remarked in the spring of 2010 that this was his 5<sup>th</sup> term and he has introduced a tax credit bill in every session he has served in the House. Each time, Rep. Stam’s bill either never makes it into a committee or never makes it out (P. Stam, personal communication, April 2, 2010).

The participants in my study from both sides of the school choice debate were well aware of Rep. Stam and his annual tax credit proposal. Several made mention of it

and, in fact, described the reactions of the K-12 public school advocates and their associations when the 2008 version seemed to be gathering steam. As a Republican legislator described the actions of the K-12 public school mainstream community when the 2008 version of the bill actually made it to committee, the power of their networking and influence was evident.

When it [the bill] looked like it might pass, they [NCAE] did an all-out blitz, calling superintendents, teachers, one weekend, and crashed the support of the bill. So, oh, it was amazing. And some of the information that went out, was in error, how much it was going to cost the school system. I'll call it inaccurate information. And, it is the overriding fear of vouchers being implemented in North Carolina. (Participant #12, personal communication, April 3, 2010)

A K-12 public school participant also described events in 2009, following the close call in 2008 of the tuition tax credit bill, House Bill 687, almost passing a committee hearing:

They [legislators] actually had a committee hearing and this bill came very close to hitting the floor of the House. We [our organization] decided that in January, I believe of '09, we hosted a summit at our association where we invited special education advocates from all around the state. So we had Arc [The Arc of North Carolina] there, we had Special Olympics, the Autism Society, the social workers. ... And we also invited special education teachers in the K-12 system. ... We created a coalition that went to the Democrats who were on that original bill. ... When the bill got re-filed the next year, 2009, all the Democrats were off the bill. So we actually got— we made a bipartisan bill a very partisan bill. (Participant #13, personal communication, April 5, 2010)

The 2009 House Bill 687, "Tax Credits for Children with Disabilities," sponsored by Rep. Stam and two other Republican representatives, was indeed debated in the House Education Committee, failing to pass by a 21-26 vote, strictly by party lines, Republicans all "aye" and the Democrats all "no."



Rep. Stam (personal communication, April 2, 2010) stressed that he believes tax credits are a more viable option for NC families and he thinks vouchers are “a poor second choice.” Providing tax credits for parents of students with disabilities of \$3,000 per school semester if they choose a private school or home school, Rep. Stam provided several reasons why such a tax credit bill is more viable than a voucher.

In the tax credit, I have tried to eliminate the constitutional/legal challenges with the money being credited back to the families, nothing goes to the school. Should not run into constitutional issues. On the funding issue, the tax credit will save the public schools money and the savings will go right back into the public school.

The Fiscal Notes Rep. Stam and his legislative team provided to committee members in fact reported that the proposal could save the state and local budgets in the range of \$2.3 to \$11.4 million each year after the first year of implementation. Considering the continued requests for greater education funding and the arguments that low-wealth rural and urban districts are inequitably funded, this budgetary savings should be a significant point. It would appear that either many legislators don’t believe the suggested savings to be accurate or saving the government money is not the burning issue. It would serve parental school choice advocates well to examine the arguments surrounding Rep. Stam’s proposed tax credits and question legislators about their support or lack of support.

It is interesting to note that Rep. Stam’s proposal, House Bill No. 687, does target a specific group to receive benefits by identifying students with disabilities who attend private school or home school, which is not true of all choice proposals. The MPCP in Milwaukee was deemed to be successful partly because the program targeted a specific deserving group to receive benefits. Rep. Stam’s proposed bill was aimed at the lowest

performing subgroup of students in NC's data, as evidenced by Tables 3 and 4 earlier in this chapter.

For future purposes, Rep. Stam (personal communication, April 2, 2010) said he will continue to push for tax credits that give families a choice, particularly if they have a student with a disability: "I've sponsored the bill every year. I'm the main person pushing it, and I'm the minority leader of the House, so I will get a vote on it."

### **A Powerful Coalition For K-12 Public Education**

Altogether, the data for this study of NC voucher absence was centralized around the theme of a powerful coalition, consisting of the leaders of the Democratic Party, education associations, leaders of professional organizations, and members of the NC General Assembly. According to my participants, these coalition members are aligned as a mainstream education community for the purpose of protecting the resources of K-12 public education. The establishment is formed by the common, natural interests of the membership associations of various public school positions—principals, assistant principals, teachers, superintendents, school boards—together with the elected officials who are supported by these groups.

Due to the one-party dominance of the NC legislature, parental school choice alternatives have been portrayed as a purely Republican grab for power over education funding and delivery, with limited forms of countervoice to balance that perspective in the committee rooms of the General Assembly. Mr. Allison (personal communication, June 14, 2010) elaborated on that point: "You [public education advocates] begin to paint the picture. ... the issue would have been framed, prepared from first page to the last

page by the lobbyist. ... we [choice advocates] have not had an alternative voice. ... It's a mountain." Mr. Allison (personal communication, May 26, 2010) also described the one-party dominance when he expressed, "In North Carolina, [it is] hard to separate the close connection to Democrats, elected officials, and public education, i.e., the political force."

Participants from both political parties acknowledged that the control of the Democratic Party in the General Assembly and Governor's mansion is critical to maintaining the K-12 public school agenda. One Republican participant noted, "If there's a shift in the majority in North Carolina government [things could change]. ... Right now you've got one party control" (Participant #1, personal communication, February 16, 2010). A Republican legislator predicted, "If I am a member of a majority party that has the power to have these bills heard ... we will go from decades of only hearing one or two bills, to probably ... nearly five or twenty" (Participant #3, personal communication, March 2, 2010). Some believe a change in the General Assembly could create a dramatic shift, as expressed by this Republican participant: "If one or both chambers of the North Carolina House change, . . . then the entire slate of influencers changes" (Participant #1, personal communication, February 16, 2010). The K-12 public school advocates (possibly Democrats themselves) were not so sure how dramatic a shift would be. Mr. Dornan (personal communication, March 10, 2010) noted with reservation,

Political climates are—there could be a change, but it would have to be a large one. But I think the difference this time around is it would have to be coming from what I consider mainstream political figures, not extreme. McCrory, I'll use McCrory [referring now to the office of Governor]. If he were really an advocate for a choice plan, I think it would lead, if he were elected, it could lead to a serious discussion about it. It's not going to come from the far right.

Another K-12 public school advocate stated, “If one or both chambers switch to Republican control, I think we will probably end up with a healthy debate about it” (Participant #9, personal communication, April 1, 2010).

One K-12 public school advocate (again, assumed to be a Democrat) believed maintaining the governorship under Democratic control would be a safeguard for public education, thereby preventing passage of any voucher or tax credit legislation, even if the House or Senate experienced a shift. Another K-12 public school advocate projected, “Let’s say our House and Senate do go Republican, having Governor Perdue there would at least protect us [K-12 public school advocates] for two years” (Participant #9, personal communication, April 1, 2010). Another stalwart K-12 public school advocate who is strongly opposed to any forms of privatization implied that the school voucher issue is a Democratic versus Republican issue. “I could see it happening. If there was a Republican legislature and a Republican governor, I would say, yes, I could see a voucher program happening” (Participant #13, personal communication, April 5, 2010).

A Republican senator echoed the reminder that although many Democrats are against vouchers, not all Republicans support parental school choice policies, or specifically vouchers, and a shift from Democratic control is not necessarily a school choice voucher victory. This senator stated:

The Democratic Party generally discourages and does not favor vouchers for private schools and the NCAE strongly opposes and has a major influence over Democratic legislators. Debated? Sure, it would be debated [if Republicans won control in either chamber]. Whether it would be passed or not, I don’t know. There are a number of Republicans who aren’t convinced. But it would be debated, at least.” (Participant #10, personal communication, April 1, 2010)

Multiple times participants from both sides were emphatic that nothing would change unless the General Assembly changed in party leadership, and then the outcome is unknown. The governorship was mentioned by a few participants, as well. Mr. Allison (personal communication, May 26, 2010) noted a national correlation linking school choice programs to Republican governors, whereas NC's current governor is a Democrat. He named states where the Republican governor was key to the parental school choice success: "When you look at the other states that started the program [parental school choice], Republican governors—Ohio, Wisconsin, Arizona, Florida—Republican governors. And, so, that office carries a lot of weight."

Parental school choice advocates, however, expressed the belief that only a bipartisan effort will provide the kind of meaningful, sustainable change that is necessary to make a lasting difference for disadvantaged students. Mr. Allison (personal communication, June 14, 2010) expressed a desire to put together a bipartisan effort:

Every state [with a choice program] looked at political, looked at their history. We have to have Democrats. North Carolina is not going to go red and stay that way for years to come. Why don't we educate, go after Democrats, inform them? In North Carolina, it won't work to rule out Democrats and think we can go with all Republicans. In arguing for choice for low-income, minority people, we need to ask Democrats, "What is your track record of being in those communities?" ... We don't want to end up like D.C. where Obama shuts the program down.

Overall, the Democratic-leaning education coalition is a powerful political force in NC and most of my participants from both sides of the debate predict that a shift from Democratic control would have an impact on advancing parental school choice vouchers.

### **Summary of Data from North Carolina**

In my sorting, coding, and memoing through the vast amounts of narrative and document data, several key discoveries stood out above all others. They emerged as pieces of a puzzle, fitting into spaces within my research questions, and beginning the formulation of a possible theory for the absence of a school choice voucher policy in NC.

The absence of a Polly Williams was discovered early on in the study, followed by the existence of an achievement gap, a socioeconomic gap, and a glaring gap among students with disabilities. The remedies of *Leandro* are still being applied, as rulings from Judge Manning continue. In addition, the racial context of the South contributes to the lack of a grassroots movement of African Americans supporting school choice. Historically strong connections exist between the Democratic Party, education leaders, and minorities.

Evidence did emerge that a debate is taking place. Not only a school choice debate, but in some cases a voucher, or tuition scholarship, debate. It is not necessarily a public debate, however, but one that takes place in informal settings rather than in a legislative committee. I had to seek out participants who are involved in circles with which most ordinary citizens are not familiar to bring that debate to light.

The partisan actions of the two political parties in NC formed the largest theme emerging from the data, with the longtime dominance of a Democratic, anti school-choice contingent representing the biggest block to the proposal or passage of voucher legislation. Key players and key organizations did emerge as critical in preventing any movement in the General Assembly that would “drain funds” away from public schools.

Just as any efforts to advance charter schools is being fought, no other alternative to traditional public schools has been acceptable to the K-12 public school advocates, including those who are leaders in the Democratic Party and educator association supporters. This fact could be a critical component in preventing NC from having more charters like KIPP Academies throughout the state. Indeed, I set out with the belief that NC teachers are not unionized and, unlike WI, union influences would not be very relevant to the study. That belief was overturned by the data from both sides of the school choice debate. The fact that union strikes and collective bargaining are unlawful in NC does not preclude educator association leaders from finding other effective ways to impact legislation.

The political dynamics of North Carolina were more like the literature review than I anticipated. Many components of a similar “perplexing political dichotomy” were present in North Carolina politics. There is an alignment of the Democratic Party, sometimes called “champions of the downtrodden,” and the NCAE in opposition to vouchers which are targeted to disadvantaged families. Some Republicans, not usually proponents of subsidized government programs, are advocates of targeted vouchers. In addition, African Americans fear a return to segregation through education policy.

Although the parental school choice advocates in my study talked about many alternatives for families, the K-12 public school advocates have no tolerance for what they consider incremental moves towards the privatization of education. They frame their efforts around wanting to fix the whole system, not just rescue a few students. One K-12 public school advocate allowed for an alternative to public schools in only the rarest of

cases when a specific school is not equipped to meet the academic needs of a student with a disability.

Participants from both sides of the voucher debate discussed a potential shift in party politics and what that would mean to voucher advocates. The K-12 public school advocates in my interviews acknowledged the huge impact of the Democrats possibly losing control in the legislature and the resulting shift in state leadership. However, they did not entertain the possibility of a shift in support from Democratic legislators for K-12 public school issues, whether party control shifted or not. Parental school choice advocates, on the other hand, are looking for, working for, and hoping for shifts in both of those areas.

The analysis of the NC data led me to the review of various policy formulation frameworks mentioned in Chapter IV in search of a theory that might explain more methodically the absence of a voucher policy. Given the Grounded Theory (GT) approach to my study, my final purpose was to develop a framework for policy formulation that could theoretically advance a school choice voucher program in NC.

The methods of GT facilitated the emergence and formulation of a theory that is grounded, substantial, and meaningful to the data. After the Milwaukee data analysis and the study of the social construction framework, I theorized that the construction of a dependent group could be credited, in large part, with the success of school voucher legislation in Milwaukee. As I discuss in Chapter VI, through analysis of narrative and document data from NC, the pieces have fallen into place as evidence of a socially



constructed group that could be credited with the *absence* of a parental school choice policy in NC as well.

In Chapter VI, I will apply the NC data to the six controversial concepts in the literature and then overview a theoretical framework for NC education policy and voucher stances that my data inspired me to develop.

## **CHAPTER VI**

### **THE SIX CONTROVERSIAL CONCEPTS IN NORTH CAROLINA AND A FRAMEWORK THAT SUPPORTS K-12 PUBLIC SCHOOLS**

It has been the mantra of both Republicans and Democrats and ...the...focus really has been on trying to create a strong system. I still think that undergirding of trying to have a strong statewide system of public schools remains pervasive (John Dornan, personal communication, March 10, 2010).

#### **Part I: The Six Controversial Concepts from the Literature**

Having identified six controversial concepts from the literature review in Chapter II and describing the nature of each controversy in WI in Chapter IV, I was anxious to see if those concepts and controversies were relevant to NC and, if so, determine how they played out. Those controversial areas, shown in Figure 1 in Chapter II, were the market effect, the right of individual freedom of choice, the search for improved academic achievement, legal objections, racial segregation and equity, and funding issues.

Research question 3(a) asks, “What can educators and policymakers in North Carolina learn from understanding both the six areas of controversy and the relevant theories developed about the policymaking dynamics in their own state?” In this chapter, I explore the participants’ views on the six controversial concepts from the literature as related to their own positions. I also develop my concluding theory about how education policy is being formulated in NC, hence, why there is no school choice voucher policy.

## **The Market Effect**

As pointed out in the literature review, a targeted, means-tested approach to school choice vouchers prevents it from truly representing a market approach. It was stated in Milwaukee that some local business leaders and interest groups supported the MPCP in the hope that competition would strengthen the education of all children.

North Carolina interview participants who advocated for vouchers or parental school choice in general did not directly raise market influences as a large controversial concept in their argument. However, as noted earlier in the study, the concerns and consequences of the controversial concepts overlap at times and several of the discussions with participants raised issues that could be considered a result of market forces.

### **Cherry Picking**

Several opponents to vouchers and other alternatives to K-12 public education expressed concerns about private schools “cherry picking,” also called, “skimming” or “creaming” (Kober, 1996; NEA, 2008). A participant who was in support of vouchers even noted, “That’s a very strong argument . . . that private schools will cherry pick only the good students . . . the way some private schools now might be cherry picking student athletes” (Participant #1, personal communication, February 16, 2010). Mrs. Harrill (personal communication, March 1, 2010) recognized the same argument with, “The concern is the private school or voucher schools will take away the best and brightest kids in school.” A participant opposing vouchers developed the argument even further:

The main debate had been that private schools have the ability to pick and choose which students they want and that long-term you would end up with the public schools being left with the kids that nobody wants. And then your whole system kinda collapses. I guess it's a kinda long-term erosion of public support for public schools. (Participant #9, personal communication, April 1, 2010)

This line of thinking corresponds with Dr. Fuller's assertion that the number one argument of WI's MPCP opponents was that the program would destroy public schools. These responses from participants evidenced a lack of familiarity with WI's MPCP, since those vouchers went to the poorest of the poor with no selectivity allowed by schools receiving vouchers. For instance, Mr. Dornan (personal communication, March 10, 2010), although extremely familiar with education issues in NC, applied the voucher attempt in Great Britain to WI's MPCP:

In watching places like Milwaukee, I think many of the lessons learned in Great Britain will apply there. . . . It became a program for soccer moms who wanted a subsidy on tuition who were largely middle class, and it did not meet their public policy goals.

From this and similar responses from other participants, there appeared to be little understanding of, and several misconceptions about, a targeted voucher program like Milwaukee's. The tuition tax credit proposed by NC Rep. Stam each year has been targeted to students with disabilities, a proposal not likely to cherry pick the most resourceful and highest performing students from public schools.

### **Charter School Competition**

Competition, a natural by-product of free market forces, was mentioned by several participants, acknowledging that what NC is currently seeing in the charter school

movement could also occur with a voucher program, except that voucher competition would be privatized competition and funded with public tax dollars. Competition was seen as a positive component by the parental school choice advocates who mentioned it and as a negative component by the K-12 public school advocates. For each of them, their frame of reference came from what has occurred with charter schools so far in NC. Mrs. Harrill (personal communication, March 1, 2010), whom I grouped with the parental school choice advocates due to her openness to choice, said, “I think competition is helping. . . . I think we need more innovation in schools.” Another choice advocate noted:

You’ll have a free market person . . . they agree with school choice because competition and free market is so important to provide higher quality at a lower price. And so they want government schools to compete so government schools will get better with less tax money. . . . K-12 education is either the highest or second-highest state line item. (Participant #6, personal communication, March 18, 2010)

But K-12 public school advocates, such as Mr. Dornan (personal communication, March 10, 2010), expressed a different sentiment about competition, particularly when mentioning charter schools:

I think it’s a real misnomer to say that charter doesn’t apply the market. . . . The traditional schools certainly view them as competitors. And they [traditional school educators] are very sensitive about comparisons to charters. . . . That’s frankly one of the big reasons why school administrators and school boards shifted their position on this [charters]. . . . In Wake County [are] two of the highest performing charter schools in the state, . . . much to the chagrin of the Wake County School System.

The data seems to indicate that the K-12 public school advocates are threatened by the success of some charter schools and don’t appreciate the comparisons, rather than rally

around them as a part of the state's response to poor-performing public schools. The success of public charter schools is viewed as competition to traditional public schools.

Competition, while discussed by several participants, did not develop as a core concept in analyzing the data. Although there was mention from both sides that K-12 public school advocates don't like or want competition from outside the traditional public school framework, the advocates for parental school choice were not focused on merely creating competition, but rather on providing alternatives and parental choice.

Parental school choice advocates expressed the desire for improved educational opportunities which, although may entail competition between providers, is not motivated by free market ideologies. For K-12 public school advocates, they don't see competition as a path to their own improvement; it's only a drain on their resources that continues to prevent them from growth and improvement. Their beliefs about this is partly responsible for the absence of a voucher policy in NC.

### **The Right of Individual Freedom of Choice**

Choice in the literature centralized around the poor being the only citizens without a choice. It also stated the belief that giving families a choice would get the attention of nonresponsive, bureaucratic school systems (Chubb & Moe, 1990; Viteritti, 1999). For Milwaukee, parental school choice was about the ability to leave failing schools and the issue became one of social justice, tying in with the literature that the poor needed to be given choices.

### **Who Has Choice? Who *Should* Have Choice?**

The right of an individual's freedom of choice was only raised as a concept among NC participants when the parental school choice advocates argued for various subgroups of students being allowed to leave a school that is not serving them well. The student subgroups mentioned most were the poor, mostly minority students in low-performing rural and urban school systems and the students with disabilities. Several K-12 public school advocates mentioned the low academic performance of students with disabilities in many public schools. They acknowledged that, in many cases, the school is not meeting those students' needs.

The participants from both sides of the debate were also aware of proposed legislative bills focused on students with disabilities, bills that never made it either into a committee or out of one. The battle that ensued by K-12 public school advocates to defeat these bills, before ever making it out of committee, signals a conflict between acknowledging that the students with disabilities subgroup is not being well-served and then defeating a strategy that would address the students' needs. As parental school choice advocates seek to provide that student subgroup the freedom to choose an educational provider, K-12 public school advocates work to keep those students in public schools.

Among the parental school choice advocates there is disagreement as to who should be given choice, which type of choice is more suited to the needs of students in NC and which type of choice would stand a chance of successfully becoming legislation. Some participants advocate for tuition tax credits, others for tuition vouchers, still others

for tax credits for students with disabilities, and the list goes on. As the data divided, another concept emerged that could help explain the absence of a voucher policy—advocates are divided about what type of school choice policy should be adopted and who it should benefit. K-12 public school advocates, on the other hand, allow for only the smallest window of releasing a student from the public school domain. One participant framed it this way: “If there are very, very targeted areas, targeted groups that had a need that we could not provide for those needs, yes, I think that’s a possibility [using a private provider]” (Participant #7, personal communication, March 31, 2010).

However, the majority of K-12 public school advocates in my study expressed the belief that charter schools are giving parents a choice and, although there is some resistance among these participants to charter schools, this public choice was a compromise to any kind of private choice. The participants still recall back to 1996 when the Charter Schools Act was passed as a response to the Republicans’ call for school choice. They will not willingly now concede to an option including private choice.

### **Giving Families Choices vs. Public Options Only**

Data from the PEFNC Town Hall I attended in Charlotte provided more insight into the intents and attitudes of those who want choice. Democratic Senator Malcolm Graham addressed the crowd several times during the evening, consistently using phrases such as, “Not pitting one against the other” [public vs. private], “Big umbrella,” “Can we all work together?” and “Need a comprehensive approach to education.” Other speakers concurred with his comments and the amens and applause from the crowd seemed to indicate that citizens who want choice are not against public schools. They believe it



takes many approaches and all types of alternatives to address the needs of our diverse population. They firmly believe that public schools have their place and will always be an integral part of education. They just believe in other choices being equally available (PEFNC Town Hall Notes, April 22, 2010).

The participants in my study that support K-12 public schools did not use the same inclusive phrases in framing their arguments. They expressed an opposition to parental school choice in any form. They did not express willingness to be under a “big umbrella” or to be part of a “comprehensive approach.” One response was, “We ought to strengthen that school [failing school] rather than having to opt out” (Participant #7, personal communication, March 31, 2010). Another K-12 public school advocate insisted we must “[Make sure we] improve our traditional public schools so that our children and parents don’t have to think about alternative options” (Participant #8, personal communication, March 31, 2010). Another comment assigned the choice concept to Republicans’ ideology, but not their practice, explaining, “I think a Republican ideologically may agree with school choice, but I think if you talk to most Republicans, they believe in K-12 education” (Participant #13, personal communication, April 5, 2010). The last participant seemed to be saying they can’t go hand-in-hand, choice and K-12 education.

Public schools in NC have responded to the national, and maybe even local, undercurrent of choice by providing some public school choices. Mr. Dornan (personal communication, March 10, 2010) offered, “Giving parents choice is important. I am a huge fan of magnets.” But when it comes to school choice vouchers, the opportunity for

individual private choice, the K-12 public school advocate responded with, “I am anti-voucher. ... I would work against them,” and another K-12 public school advocate was certain, “We would clearly be opposed” (Participant #9, personal communication, April 1, 2010). A government relations advocate for K-12 public schools stated his purpose: “[I] make sure that any bill [choice bill] that gets filed is not heard, is killed at the legislature” (Participant #13, personal communication, April 5, 2010). The conclusion of the data was undeniable—K-12 public school advocates are against any kind of choice outside of public schools and will fight any such effort. There is no interest in developing a big comprehensive umbrella of educational choices.

The K-12 public school advocates believe that, rather than giving any subgroup of students a choice to leave public schools, correcting NC’s educational funding system will assist them in better serving these subgroups of students. To provide a choice would further drain much needed funds. Their desire to correct these inequities themselves, within their own system of education, contributes to the absence of any school choice voucher policy in NC.

### **Academic Achievement**

The literature overall indicated that voucher studies were not demonstrating a great turn-around in the academic performances of voucher students and, in many cases, academic gains or losses could not be determined due to lack of data from the voucher schools (Gerard, 2005; Kober, 2000; U.S. Government Accountability Office, 2001b). Those arguments continue to take place with the release of each new study. Some opponents of choice in the literature also pointed out that, overall, public schools were

performing well and did not need intervention through choice or other methods (Smith & Meier, 1995). In the case of a specific school or school system that may be struggling with academic performance, strategies were in place and reforms were being implemented. In Milwaukee, however, the academic debate was centralized around the achievement gap for the urban poor and minority students assigned to failing schools.

### **Failing Marginalized Groups**

For NC, parental school choice advocates in my study consistently raised the issue of low academic achievement in the public schools, evidenced by national rankings and high drop-out rates. Several of the K-12 public school advocates concurred with those issues, frankly discussing problems in the K-12 public schools in meeting the needs of diverse learners and in closing the persistent achievement gap between affluent Whites and poor Whites and minorities. Advocates for parental school choice contended that alternatives to public schools needed to be considered, while K-12 public school advocates believed the need for academic improvement was a mandate that students and funds remain in the public schools, while seeking to address the inequitable funding system in the state.

Several parental school choice advocates were very familiar with the details of NC's academic challenges, particularly as related to race and income. Mr. Allison (personal communication, May 26, 2010) expressed grave concerns about the level of academic performance among NC's poor and minority students, citing the data with alarm:

The fact that we have over 25,000 drop-outs in the state of North Carolina each and every year, the fact that we have a 66% graduation rate, ... if you line up a million school-age African American males, across the great state of North Carolina, less than 500,000 of them will get a high school diploma, the fact that those same African Americans, though small in population, make up 60% of the entire state prison population.

Mr. Allison (personal communication, May 26, 2010) passionately posed the question, “Why can’t we look at voucher opportunities for low-income, mostly minority kids, when the facts and stats bear out that this is the challenged population?”

While openly discussing the academic problems in public schools, the K-12 public school advocates patently rejected any alternative outside of the public school framework. Yet, K-12 public school advocates repeatedly acknowledged the academic challenges and failures currently existing in public schools. For instance, one K-12 public school lobbyist stated:

We did concede that special needs children are not getting the sound, basic education. . . . They [advocates for school choice] make arguments that kids aren’t getting, they aren’t performing at grade level in K-12 education. Well, we concede that. We agree with that argument. (Participant #13, personal communication, April 5, 2010)

That participant later referred to the “failed system for special needs children.”

When referring to marginalized groups, that same K-12 public school advocate was particularly frank about K-12 public schools in NC:

I would say, any marginalized group can look at a K-12 system and say, it’s failing our group. Whether they are at-risk children, rural children, urban children, Black males, girls in science and math, ... any marginalized group can look at their numbers and say we are not being serviced well in this system. (Participant #13, personal communication, April 5, 2010)

The arguments from both sides seem to indicate that the tenets of the Basic Education Program and the mandates and reform measures from *Leandro* have not solved NC's problems. The school system data I shared in Chapter V confirms that fact and many of the participants I interviewed seemed acutely aware of it.

### **The Public School Solution**

North Carolina is also doing some things right and making strides in improving the system, according to the K-12 public school advocates. One participant talked about the challenges in having a quality program, particularly without sufficient funding, and hearing the gloom and doom rhetoric, with detractors "pointing fingers and saying, 'Well, public schools have failed,' when in fact, they have not" (Participant #7, personal communication, March 31, 2010). Another participant reminisced, "We used to say, 'Thank God for Mississippi,' [when that state was lower in performance than NC] to now being at the national average in a lot of areas" (Participant #9, personal communication, April 1, 2010).

As K-12 public school advocates recognized the challenges and failures of some facets of public education in NC, they insisted that the solution should be found within the public school framework, not by seeking alternatives. One participant noted, "There is a strong belief by those who – there is no other way to say it – have been in power, that we need to be improving the system across the board" (Participant #9, personal communication, April 1, 2010). Other comments from K-12 public school advocates reinforced that same belief:

Most sitting education folks are for your state constitution. They would rather improve what we have for all students, but also realize that we do have some children that we're not meeting their needs. We have to figure out how we can best meet their needs in our current system. (Participant #8, personal communication, March 31, 2010)

The K-12 public school advocates expressed the unified belief that if a non-public school alternative is found to be “superior” to public education, then they should learn from what they are doing and implement public school improvements, not allow public school children to go somewhere else. A K-12 public school advocate stated, “We need to figure out what they're doing” (Participant #7, personal communication, March 31, 2010), and another echoed, “What are they doing right? Are there things they are doing that we could incorporate into our public schools?” (Participant #9, personal communication, April 1, 2010).

One parental school choice advocate provided an impassioned response to that sentiment:

They are protecting the public school. Their argument is, ‘We have got to put all of our resources into improving public education.’ They already feel that it's underfunded, that teachers are underpaid, there's not enough money for textbooks and supplies, and that this [vouchers] would hurt the public school system. I maintain if you do a voucher system correctly, you can not only offer choice, you can also reduce the costs. It wouldn't hurt the public school system at all. It might actually provide them more money to help those failing schools. (Participant #12, personal communication, April 3, 2010)

The participants for parental school choice seemed to understand the desire of K-12 public school advocates to keep all reform efforts within the public school framework,

but parental school choice advocates believe that kind of self-protectionism will not bring about improved academic achievement.

### **Quality Education Should Be Results-Driven**

Several parental school choice advocates maintained positions stating that any program providing vouchers, tax credits, or other alternative choices for education would be contingent on improved academic performance. Mrs. Harrill (personal communication, March 1, 2010) expressed this belief when she stated, “We have charter schools that aren’t working, and if we had vouchers, we’d have private schools that don’t work. But then you don’t keep re-funding it.” Other participants made similar comments, particularly two legislators, so familiar with budgets and accountability: “You come up with an objective way to track the outcomes and literally commit to having those outcomes dictate the scope of future programs” (Participant #3, personal communication, March 2, 2010); and, “You should evaluate anything you do with public funds” (Participant #10, personal communication, April 1, 2010). Mrs. Harrill likewise talked about a results-driven program: “I think we’ve got to really look at results-driven when it comes to the voucher program.” Another parental school choice advocate echoed those sentiments with, “The academic argument will be huge. What tests will be used? How will we measure and make sure there are equal requirements?” (Participant #6, personal communication, March 18, 2010).

It appeared from the data that parental school choice advocates are not just seeking choice or alternatives outside of public schools, but they say they want opportunities for a quality education, measured, and validated to be academically

successful, or the programs should be shut down. K-12 public school advocates want to identify any successful programs outside of public schools and learn from them, assimilating their strategies and approaches into the public school system to attain better results. From this reasoning, I concluded that however high the level of academic performance private schools may provide, it would not be a rationale to convince K-12 public school advocates to support choice outside of public schools—another small piece of the absence of a voucher policy puzzle.

### **Legal Objections**

The legal issues raised in the literature included the constitutional mandate to provide public education, the resistance of private schools to be regulated by government policies, the IDEA and educating students with disabilities, and the separation of church and state (Cullen & Rivkin, 2003; Kemerer & Maloney, 2001; McCarthy et al., 1998; NEA, 2008). The MPCP debate in WI was highly centralized around public funds going to religious schools, to the point that religious schools were excluded from the original legislation.

Both sides of the NC debate appealed to the State Constitution. A K-12 public school advocate stated, “We have to ensure that we are giving students everywhere in North Carolina that sound, basic public education and, if we’re not, we need to change what we’re doing to make it better. That’s in the education section of the State Constitution” (Participant #8, personal communication, March 31, 2010). Mr. Allison (personal communication, May 26, 2010), a parental school choice advocate, likewise appealed to the Constitution, “These kids [poor, mostly minority] are not getting equal



education; therefore, this system that you are perpetrating here is unconstitutional.” Both sides of the debate appealed to the Constitution, but for different reasons. The bulk of the legal data, however, gathered around the two issues of serving and protecting the rights of students with disabilities and applying government regulations to private schools.

### **Tuition Tax Credits for Students with Disabilities**

The legally protected group of students identified with disabilities has been the focal point of the only educational choice discussion occurring in the NC Legislature in the past 15 years, since charter schools were legislated in 1996. The tax credit proposals mentioned in Chapter V were specifically aimed at students with disabilities. As stated earlier, identifying a targeted group was a critical component for voucher advocates in Milwaukee and naming the targeted group of students with disabilities in NC could possibly enhance the success of any legislation.

Students with disabilities fall under the federal Individuals with Disabilities Education Act (IDEA) (formerly called The Education for all Handicapped Children Act of 1975), which requires public schools to “make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs.” Each student receives specific services defined in a personal Individualized Education Program (IEP) (*Building the Legacy*, 2004). Therefore, K-12 public school advocates defended this subgroup of students as being dependent on them—on the state—as being responsible for the delivery of and ensuring the quality of their education.

The K-12 public school advocates expressed concern for maintaining the protections provided children with disabilities by the K-12 public school system under the IDEA, questioning that if those children leave the public system, who will protect their federal rights? One K-12 public school advocate charged, “A child in K-12 public schools has federal protection that exists nowhere else in any other educational setting for children who have special needs. We would argue that they are protected under IDEA” (Participant #13, personal communication, April 5, 2010).

The “protection” provided under IDEA may not be there in certain public schools, if the school fails to provide the appropriate free education needed in the least restrictive environment. A Republican legislator advanced this belief: “The one [legislative bill] that had the most chance was the one for disabled children, where the programs just do not exist in the sufficient quantity or quality to take care of the needs of the child” (Participant #10, personal communication, April 1, 2010). Although he didn’t reference the data, it would also lend support to a legislative bill aimed at students with disabilities.

One K-12 public school advocate conceded that maybe a small contingent of students could be served outside of the public school setting. He described it this way, “A school is opening in Chapel Hill, ... for kids who have multiple disabilities that were very, very difficult and very, very expensive to educate for local districts” (Participant #7, personal communication, March 31, 2010). Although this participant was a strong K-12 public school advocate, he continued to describe how exceptions can be made: “Students *can* get the level of quality education [in public schools] and, if in fact they cannot, there are ways that you can address that, including having districts to work with external

programs [private education]” (Participant #7, personal communication, March 31, 2010). The participant clarified that “It would be a student with a disability so, so restrictive from the standpoint of the ability of the school system to meet that student’s need that only a very, very small number of children fall into that category” (Participant #7, personal communication, March 31, 2010).

In an informal memo authored by Rep. Paul Stam, sponsor of the Tax Credits for Students with Disabilities bill, he observed that, based on the experience of other states, between 1% and 5% of eligible students would take advantage of transferring out of public schools. The memo suggests that as many as 1,800 students in NC could be provided with tax credits through such a bill (Stam, 2009). It would be interesting to learn if that number would be found acceptable to the K-12 public school advocates.

Some of the parental school choice advocates, such as Rep. Stam, were disinclined to promote school choice vouchers due to the legal and constitutional challenges that have been mounted against other programs, some of which have been publicized through court cases in other states around other voucher attempts. The alternative of tuition tax credits has been raised in the NC Legislature with the intent of circumventing legal challenges based on public funds going to religious schools or private schools being more regulated by the government. Some NC choice advocates believe tuition tax credits are a more feasible way to provide choice to families with a greater likelihood of passing in the legislature and not being legally challenged. This was evident in my narrative data and the lack of consensus by those advocating for school choice contributes to the absence of a policy at all.

## **Private Schools Resisting Government Regulations**

The largest legal hurdle for parental school choice advocates is avoiding the surrender of the self-governance of private schools to the regulations and policies of a government agency. Just as the literature stated, private educators want to maintain their unique identity and determine their own course, thereby resisting regulations and policies from the government (Kemerer & Maloney, 2001). Not only that, private school leaders believe that government mandates and regulations are vulnerable to the whims of a new legislative session or election cycle and, once accepted, could become more restrictive. Mrs. Harrill (personal communication, March 1, 2010) cited the recent charter school mandate as an example:

How do you hold private schools accountable to the same standard that you hold public schools? And charter schools? I don't think they should be greater than the, what North Carolina just did with the charter schools. They're holding them to 60% performance rate, when that's not the same standard we hold to regular schools. I think that it should be the same.

Mrs. Harrill was referring to a new policy adopted unanimously by the State Board of Education (SBE) in December, 2009, with immediate application to the current academic school year. As she stated, the SBE will revoke the school's charter if the school's test scores do not meet or exceed expected growth and if the school's performance composite is less than 60 percent for two of three consecutive years. If public schools were held to that standard, using data from the last three years, 155 public schools would be closed in NC. Fourteen of those schools are in Charlotte-Mecklenburg Schools. Ten of Halifax County's twelve schools would be forced to close—schools in

the same areas that were part of the *Leandro* case. Parental school choice advocates point to this kind of policy as part of the problem with allowing the state to regulate private schools. The state has set a strict standard on charter (public) schools that it will not impose on traditional public schools (Zero Tolerance, 2010).

Another parental school choice participant has worked closely with numerous private schools and had this to say about regulations: “They [private schools] are afraid of whatever the legislation looks like coming through. It could place more regulations and restrictions on them that they don’t want” (Participant #6, personal communication, March 18, 2010). That participant continued later, noting the ultimate effect of more government regulations could be to “take over the private schools and make them look just like the government” (Participant #6, personal communication, March 18, 2010).

Regulations such as the latest SBE policy are also seen as discriminatory by some educators. North Carolina’s Association of African American Charter School Administrators have filed a federal discrimination complaint charging that the new policy is aimed at Black charters, making room for more White charters (Bonner, 2010). The controversial concepts continue to overlap as a low academic performance of African Americans in charter schools may lead to a school’s closure, though their performance may be stronger than the nearby public school.

The concept of regulations, policies, and government mandates overlaps with the idea of accountability and measuring outcomes. The academic achievement concept discussed earlier revolves around this same concern of accountability and maintaining common standards and expectations. Resolution in one area would affect the other areas,

creating a more complex controversy to address. Yet another controversial concept, the legal impediment of government regulations which private educators want to avoid, can be partially responsible for the absence of a school choice voucher policy in NC.

### **Racial Segregation and Equity**

Racial segregation and equity was the most developed concept in the literature discussed in Chapter II. The arguments from advocates of targeted vouchers examined all of the following: failure of forced integration, the improved academic performance of minority students in private schools, the higher levels of integration existing in many private schools, indicators that a growing number of minority families want alternatives to busing and/or failing inner city schools, the need for good quality schools in minority neighborhoods, and the failure of the Democratic Party and leaders of organized minority interest groups to advocate for choice for minorities (Greene, 2006; Merrifield, 2001; Shokraii, 1996; Viteritti, 1999; Walberg, 2007). From the opponents of targeted vouchers came arguments about past voucher use in the South to avoid integration, private schools that skimmed students, students left behind in public schools, an intended expansion to universal vouchers, and the diversion of resources from those students remaining in public schools (Doerr et al., 1996; Harris, Herrington, & Albee, 2007; Henig, 1994; Moe, 2001).

In Milwaukee, the concept of racial equity was only equaled by the quest for socioeconomic equity in providing a socially just solution for poor inner city students, whether Black or White. Race was not an expressed component of the MPCP; socioeconomic status was the key determinant for participation. However, the battle was

centered around several racial equity arguments (e.g., the achievement gap, the disproportionate forced busing of Black students) and advanced in some settings as the civil rights battle of today. The grassroots activism which pushed for voucher legislation was primarily led and supported by African Americans, insistent on the socially just solution of quality schools in their own neighborhoods, led by Polly Williams, a Black legislator and activist.

I sought to find a NC counterpart to Polly Williams of the WI legislature to inform my study. Thinking there may be an African American representative advocating for the poor and minority constituents in their district in NC, I contacted several African American legislators in the NC General Assembly. Only one returned my contacts and was ultimately unavailable to talk to me about school choice vouchers. This experience helped me draw a conclusion about political players represented in WI who are absent in NC, a question posed in my secondary research questions. It became increasingly clear throughout the study that NC does not have a Polly Williams in the legislature advocating for a poor minority district in need of education alternatives. Although Mr. Allison, the parental school choice advocate representing PEFNC, is a strong leader working among the grassroots of poor, mostly minority families, I found no elected official counterpart to a Polly Williams.

After determining the absence of a Polly Williams, the next subquestion that naturally emerged was, “Is there a poor minority district *in need* of someone to advocate for them regarding educational and social injustices?” In search of an answer, I reviewed the narrative data and the documents gathered from test scores and reports, including the

Report Cards examined earlier with current achievement data on rural and urban districts in the *Leandro* case. The collection of this evidence strongly supports the existence of a persistent achievement gap for minority students, low socioeconomic students and students with disabilities. The majority of the school systems I examined were disproportionately minority, both rural and urban. Although there have been attempts in the NC legislature to address the needs of students with disabilities, no attempts in the legislature have addressed the achievement gap for minorities or the rural and urban poor.

Conversely, the K-12 public schools have strong advocates protecting their interests and weighing in on the issues. Having interviewed several of those advocates, the data I collected did not indicate they were advocating for specific targeted groups within public schools, but rather for public schools in general, being concerned most with the funding and support of *all* and *only* public schools. However, the advocates of parental school choice believe students who are not being served well by the public schools need a separate advocate, one who is solely interested in their concerns not tied to other issues. As Mr. Allison (personal communication, May 26, 2010) framed it, “You’ve got to have a counter-voice, or else there’s no debate. ... We [PEFNC] are the only organization of our kind, and whose sole focus is parental school choice.” Mr. Allison’s argument for an advocate continued, “If we’re saying that the vast majority of kids that are benefiting [from voucher programs] have been mostly minority and low-income, then we also need to make sure that those messengers also have a place at the table.”



## **Racial Issues in the Context of the South**

Given the nature of limited responses from an African American point of view, I had concerns that my data would be weighted more by the perspective of White participants and what many White people may *think* or *hear* about African American students' needs. Still, I do have the data from three African American participants, and two of the three were in support of K-12 public education.

Parental school choice voucher advocates acknowledged that some African Americans fear resegregation and a return to the racial injustices of the past. For some citizens in the African American community “the roots of choice are racial. NAACP doesn't want segregation,” as spoken by a White, female school choice advocate (Participant #6, personal communication, March 18, 2010).

The same parental school choice advocate also recalled the troubled race relations in the 1960s in the South. The participant recounted a movement among the White community for tax credits and vouchers to avoid integration. Christian schools sprang up to provide White students an alternative to attending schools with Black students. School choice at that time was about segregating the races and, as I explained in Chapter V, it still resonates with many African Americans today. According to this choice advocate, those events affect African Americans' concerns about parental school choice, as well as the framing of the arguments by opponents of choice:

The main difference that you're gonna find from Milwaukee to North Carolina, and why school choice has taken so long to have any inroads in North Carolina, (is) because your education blob which is predominately White—look at your leadership and your government school lobbying/advocacy groups—they are predominately White. They don't want school choice because they don't want

competition. But your minority families, your NAACP, they don't want it because of the history of segregation. And of course, the education blob will hook on to that. They can play on that, because it is the history. (Participant #6, personal communication, March 18, 2010)

Succinctly and accurately stated, NC has a distinct history that sets it apart from the events in Milwaukee. The controversy and the resistance to vouchers, the absence of vouchers, can largely be hinged on the White education community that doesn't want them and the African American community that doesn't want them—each for their own reasons.

Mr. Allison (personal communication, June 14, 2010) recognized this roadblock and addressed it:

That is the challenge. Because for a certain generation of minority leaders, you are somehow kicking against history, somehow knocking down monuments that have been built to say we stake our claim. ... It [*Brown*] was not the Promised Land. ... The goal was the pursuit of quality education. ... The pursuit of high quality education should still be ongoing.

A couple of voucher advocates mentioned in their interviews the growing push for educational alternatives by African American communities, as mentioned in Chapter V and the push for charter schools. References were made to African American parents of school children and local ministers meeting in churches in the Durham and Charlotte areas of NC. No details were shared about those meetings, but they were being conducted to rally and organize support for alternatives to K-12 public education. Those participants asserted that African American communities want parental school choice. One offered

the belief that a voucher program will only come if grassroots minorities and Black churches rally for it.

A moderate cluster of data accumulated around the concept of an African American grassroots movement becoming advocates for choice, maybe even targeted vouchers, and creating a division within the Democratic Party. What those participants envisioned was Democratic legislators having to choose between voting with their constituents in the NCAE and the coalition of public school forces or voting with their African American constituents, which were mobilizing and partnering with Republicans. This idea was not entertained by the advocates for K-12 public schools, but several parental school choice advocates raised the possibility.

The data from the parental school choice advocates in my interviews described a few details of how that might happen in NC and what they already see happening. One parental school choice advocate expressed that belief when saying, “I think it’s gonna happen from the grassroots and, most likely, even through the Black churches” (Participant #1, personal communication, February 16, 2010). He later continued, “There’s a movement out of Durham of private African American schools primarily run by churches that are pushing vouchers hard” (Participant #1, personal communication, February 16, 2010).

A legislator also shared that belief:

So I do think a lot of minority folks are becoming very interested. ... So we are seeing a change in interests in school choice, I think, within the minority community. It is critical. But, this is where the problem comes in. NCAE generally supports Democrats. So you have a bit of a political clash here. (Participant #12, personal communication, April 3, 2010)

Another legislator expressed a similar belief:

Community organizations . . . are saying we've got to take some of these matters into our own hands. Particularly in high African American and increasingly Hispanic communities are saying we need to take control of this. Because there's no trending in the public school system that favors them. (Participant #3, personal communication, March 2, 2010)

One participant expressed seeing a parallel with the movement in Milwaukee, since this participant was one who was more knowledgeable about choice initiatives around the country:

It's probably gonna take a constituency, especially of African Americans, constituents who are very strong in the Democratic Party, to initiate a grassroots process effort to overcome the other powerful constituency within the Democratic Party, which is teachers, to begin the process. And that's what it sounds like happened in Milwaukee. There was a grassroots effort in the African American community who were fed up with the schools. (Participant #1, personal communication, February 16, 2010)

Other advocates were not so much focused on “splitting” the Democratic Party as they were just experiencing an active movement among the citizens who could most benefit from parental school choice. Mr. Allison (personal communication, June 14, 2010) addressed the desired scenario this way, “The vast majority of the beneficiaries of such programs have been your low-income, mostly minority children. . . . We must get enough people to buy in—tap into that base that gets the direct benefit.”

Mr. Dornan (personal communication, March 10, 2010), a K-12 public school advocate made a brief mention of how support from the Black community could make a difference:

Particularly if you garner support from the inner city Black poor kids, garner support from that community—the Black Caucus is substantial in the General Assembly—if they changed positions, that would make a big difference.

Mr. Dorman expressed the belief of several other participants who felt that African American communities, as well as African American legislators, must *want* a voucher program for any shift to occur in the support for North Carolina school choice vouchers.

Mr. Allison (personal communication, May 26, 2010) offered this spirited challenge to African American communities who seek quality education for their children:

This is the point I try to make. Though we must be cognizant of our past so that we do not repeat it, we should not be shackled by our past when we see an opportunity to get a generation of kids to the next level, ... It is demonstrated that vouchers ... it's proven that it helps our kids—our kids, meaning the kids that need it most, low-income, mostly minority—and that this is something that in the 21<sup>st</sup> century, again, making note of our history, which we should embrace as a people. ... And we're seeing that happen.

It could be that with enough time, the racial overtones of vouchers would not be familiar to the African American parents of young children and they could accept Allison's challenge. For now, the lack of support from the African American community contributes to the absence of a parental school voucher policy in NC. As Allison conveyed, the African American community must embrace school choice as an

*opportunity* [emphasis added] for their kids' future, rather than view it as an oppressive, disenfranchisement from their past.

### **The K-12 Public Education Response**

When I mentioned the controversy surrounding racial equity to one White male, an ardent advocate of K-12 public schools, he conceded inequities existing in public education to many marginalized groups, including “at-risk students, rural students, urban students, Black males, and girls in math and science” (Participant #13, personal communication, April 5, 2010). His argument supported K-12 public education for being accountable for these inequities and at least facing them and reporting them. He believed K-12 public education was the solution to the K-12 public education problem. Unlike other participants, he believed equity to currently be the “big argument.” However, he deemed accountability to take precedence over seeking alternatives outside of the K-12 public education system to address any equity concerns.

They (Black males) have a 60% drop-out rate in Charlotte-Mecklenburg, a number that we should all be embarrassed about. . . . You can see a 60% drop-out in Charlotte-Mecklenburg for Black males. I will concede that, but I will also argue that it is that system that is giving you real numbers. . . . Vouchers, tax credits, you can't measure that. Yeah, you can throw stones at that 60% number, but that 60% number is a real number. (Participant #13, personal communication, April 5, 2010)

Other responses from K-12 public school advocates continued to give the impression that there is not a sense of urgency in their professional and educational community about racial inequities.

Although racial inequity was specifically named as one of the six controversial concepts in the literature, when discussing this with K-12 public school advocates there was little response directed to that issue. The concerns about racial inequities seemed to be wrapped up in the whole package of inequitable funding in urban areas and the overall low performance of multiple subgroups of students. Mr. Dornan (personal communication, March 10, 2010) framed it this way: “We have urban school problems, but nothing like those [in Milwaukee]. If I were working in urban schools that were dismally failing, with crime, etc., then I might be different.”

Mr. Dornan (personal communication, March 10, 2010) also mentioned the potentially segregating effect of charter schools and cited the current concern over charter schools that are purportedly disproportionately Black or White, “particularly minority and that frequently they are not reflective of the composition of the communities they are in. Frankly, it’s the same criticism you could make of the public schools, but let’s not go there.” There is obvious concern that the same segregating effect could occur with voucher schools.

More data centralized around race from the advocates of parental school choice. These participants talked about the history of segregation in the South, previously mentioned, and recognized it as a hurdle for current African Americans to overcome in accepting new ideas about choice. They referred to poor schools many times being disproportionately African American, and a few participants mentioned the growing Latino population or other ethnic groups. Several of the advocates interviewed expressed the belief that providing alternatives to K-12 public schools would help minority

populations. One advocate observed “The rural eastern towns [of NC] are becoming Black majority in population. Most people think of eastern NC as White Southern” (Participant #1, personal communication, February 16, 2010).

### **Funding Issues**

One of the major points of the funding debate found in the literature was disagreement over whether or not voucher programs would cost the public schools money. One of the largest concerns of voucher opponents was that these kinds of programs would “drain money from the public schools.” Hand-in-hand with that argument was the controversy over using public money for private schools without public accountability. Two other fairly large funding concerns described in the literature were the education of the learning disabled and the transportation costs (Doerr et al., 1996; Fuller & Caire, n.d.; Holt, 2000; Kober, 1996; National Education Association, 2008; People For the American Way, 2008). Since no two voucher programs in the country are alike, and with relatively few programs having enough history and size to offer a good analysis, all of these funding concerns are undetermined in a concrete, predictable way and would vary depending on the specifics of the legislation and how it was drafted.

In the WI MPCP, the objections to money flowing to sectarian schools and any public money at all being diverted to private schools were the two constitutionally challenged funding concepts. Although the language of the voucher legislation referred to the program as “budget neutral,” and the amount of the voucher was about one-half of the public schools’ per pupil expenditure, WI opponents claimed it was draining money from the public schools and diverting valuable resources that were needed by the students



remaining in the public schools. The K-12 public school advocates in NC made similar charges, even in light of the fact that Rep. Stam's most recent tax credit proposal noted a state and local budget savings of \$2.3 to \$11.4 million each year after the first year of implementation, as explained in Chapter V.

### **Draining Money From Public Schools**

Without exception, participants in the NC interview data collection named funding issues as a major controversial concept surrounding vouchers and other school choice alternatives. Using terms like funding, control of the power/money, tax dollars, economic impact, and education dollars, the participants drew a clear line in the sand, with advocates believing education tax dollars belong to the families who use them and opponents claiming that no tax money should be used in any form to support privatization of education.

Due to the rising costs of educating students with disabilities and the dwindling of state funds available for expanding programs, advocates of choice believe a tuition tax credit for these students is a viable option and should be debated in the legislature. Opponents, as earlier discussed, opined that only if the leadership (majority party) in the legislature shifts will there be any chance for choice legislation of any type. For them, solutions must come from within the public school framework. They cannot afford to divert any dollars to any other alternative. They already hold the belief that inequitable funding among school systems is a major cause of weak academic performances by some student subgroups.

Parental school choice voucher advocates contend that voucher programs and other choice alternatives can actually save school systems money by funding vouchers for less than the system's per pupil expenditure, as mentioned in Rep. Stam's proposed bill. They assert that public schools would save on buildings, facility costs, and other capital expenditures, as private schools and other alternatives share some of the burden.

One argument that stood out as an exception is the belief that the State of NC is going broke and using alternatives to public schools may be "a cheap way to reduce the cost of student education" (Participant #1, personal communication, February 16, 2010). This parental school choice participant observed of the public system that "state government cannot afford the continued legacy costs of retired state employees. ... When you have people retiring after 25 years with full medical and full retirement, we're [the State] going broke by paying people not to teach" (Participant #1, personal communication, February 16, 2010).

Again, funding overlaps into academic accountability, as K-12 public school advocates believe that taxpayer money should not be distributed to private institutions without accountability measures in place. Funding also overlaps into the legal issue of students with disabilities, as discussed earlier. The bottom line for K-12 public school advocates seemed to be accurately summed up with the words of one of the parental school choice participants:

Their argument is, we have got to put all of our resources into improving public education. They already feel that it's under-funded, that teachers are underpaid, there's not enough money for textbooks and supplies, and that this would hurt the public school system. (Participant #12, personal communication, April 3, 2010)

With that understanding in place, the participant continued with this proposed solution:

I maintain if you do a voucher system correctly, you can not only offer choice, you can also reduce the costs. It wouldn't hurt the public school system at all; it might actually provide them more money to help those failing schools. It would reduce the need to build new schools. (Participant #12, personal communication, April 3, 2010)

Misperception about targeted school choice vouchers contributed to one K-12 public school advocate's belief about funding inequities. On several occasions, the participant referred to vouchers that don't meet the full need and students' families having to pay large balances due to schools. Once more, there was no familiarity with a targeted program like the MPCP, where the voucher amount is tuition in full at the receiving private school.

### **North Carolina Funding Inequities**

Some K-12 public school advocates stated the belief that the problems in NC public education point back to the inadequate funding. As stated earlier, Judge Howard Manning declared the state's funding program to be constitutional and not the problem. Again, "The Court believes that the funds presently appropriated and otherwise available are not being effectively and strategically applied so as to meet the ... principles of *Leandro*" (North Carolina Public Schools, n.d.). The K-12 public school advocates did not address Judge Manning's assessment, but continued to refer to the unconstitutional funding problem in NC.

Records show that in the 2006-2007 school year the state's budget swelled with an increase in K-12 education spending of almost 10%. Low wealth districts received

more money, teachers and administrators were given raises, and the program providing additional funding for disadvantaged students was expanded. Fast-forward to the data shown in Tables 3 and 4, showing that in 2008-2009 the per pupil expenditure was over \$10,000 in some districts and test scores in one of the highest spending counties were deplorable (National Access Network, 2010). As I reviewed this data I was reminded of the K-12 public school participant who confessed, “What does it take to educate a student in Halifax who comes from poor surroundings? ... I submit that we probably haven’t figured that out yet” (Participant #7, personal communication, March 31, 2010). The data does not bear out that increased funding will improve academic performance. In fact, Greene (2005) claims that no link has ever been established between spending and achievement.

### **College Tuition Tax Credits**

The final funding argument, one raised by advocates for choice, revolved around the tuition tax credits that are already used in NC. Any family with a child attending a private college or university full time in NC, with 12 months of prior residency, is qualified to receive a tuition tax credit of \$1,850 from the State of NC. A scholarship fund is also available to NC resident students at private colleges and universities, based on financial need (ELearning, n.d.).

The existence of these two opportunities for students in higher education, allowing the use of public funds to flow to private education providers, was given as evidence that it can and should be done for K-12 students as well. The data produced statements like this one from a parental school choice advocate: “We’re already doing

vouchers in NC, in colleges and universities. ... Yet, no one accuses them of taking money away from public universities. ... Governor Purdum has supported the private college vouchers ever since she has been in the legislature” (Participant #1, personal communication, February 16, 2010). A legislator described the voucher even more fully:

North Carolina has a voucher system that most people don’t think about. It is at higher ed. Every North Carolina resident who attends a private university in North Carolina receives, may receive two, will receive at least one stipend from the State, what is called a Legislative Tuition Grant. ... So we already have, in essence, vouchers for higher ed and we’ve had them for decades. But not for K-12. ... The justification has always been well, if those students didn’t go to private schools they would go to public universities—Chapel Hill, Greensboro, whatever—and that would be a lot more money to educate a person there than it would cost to send a small stipend to each person at a private college or university. ... It’s a certain irony that North Carolina already has a form of vouchers for higher ed. (Participant #10, personal communication, April 1, 2010)

This opinion seems to concur with the earlier statement that the State could save money by allowing K-12 students to receive a tuition credit and get their education from a private source.

Overall, my analysis concluded that the six controversial concepts are very strongly debated by education and policy leaders across the state, even though a parental school choice voucher proposal has never made it to the floor of NC’s General Assembly. The data clearly led to the development of a theory that could explain why.

## **Part II: Theoretical Frameworks of the Education Policies and Politics of North Carolina**

As I analyzed the significant amount of data collected from participants and documents related to NC education policy, I sought explanations for the absence of any parental school choice policy in the state, other than the public school choice options — namely charter and magnet schools. I intently analyzed, coded, and merged data to develop a theory to explain the absence or presence of certain policies, politics, or players that sustained the education policies of NC. The emergence of the absence of key players and the presence of key political influences provided evidence to build a theory that fit the data. The theory helps to explain the state's *resistance*, as I learned, to not only parental school choice vouchers, but any forms of privatization of education. Unexpectedly, the foundational framework that provided a theoretical explanation for WI's successful choice policy, applied equally as well to the data surrounding NC's absence of any policy. The theoretical explanation centered around the social construction of groups, which determines how benefits and burdens are assigned. It begins with the social construction policy framework (Birkland, 2005) and the status of an advantaged group, and expands into a theory about the positive construction of an entrenched and powerful policy network.

### **The Social Construction Policy Framework**

As I explained in the analysis of the WI data, policymakers and researchers developed the social construction policy framework in the late 1980s to describe the way many policies typically construct targeted groups in either positive or negative terms to

then allocate benefits or distribute burdens. In a democratic polity, where each citizen is equal before the law, the framework of the social construction of targeted groups partially explains why some policies assign benefits to certain groups and not to others.

Researchers were attempting to understand the relationship between policy and democracy, particularly as to how certain citizens or groups receive or are denied benefits (Sabatier, 2007; Schneider & Ingram, 1997; Schneider & Ingram, 2005).

Through the social construction of targeted groups, advocates for a particular issue can focus on an isolated population to receive attention and be assigned benefits or burdens, according to the problem and the group definition.

### **Targeted Populations**

The research of Schneider and Ingram (1997) provides a general conceptualization of four types of targeted populations: advantaged, contenders, dependents, and deviants. I will briefly review the four populations defined by Schneider and Ingram and introduced in Chapter IV.

The advantaged and the contenders are seen as powerful and influential, but one is seen as deserving while the other is not. Advantaged populations are viewed as deserving of rewards and benefits and they enjoy a high level of political influence and positive social construction. Contender groups tend to have negative social constructions, even though they usually have a high level of political power. Dependents and deviants are not politically powerful and also consist of a deserving and an undeserving group. Dependent groups, generally seen as worthy of benefits, are usually lacking in political resources and are perceived as not contributing to the generation of wealth in society. They are viewed

as powerless and helpless, but also socially constructed as deserving of an assignment of benefits. Deviants as a targeted group are likewise politically powerless, but bear a negative social construction as an undeserving group with essentially no value to society. Members of the deviant population are the recipients of sanctions and punishments due to their image as dangerous or violent (Sabatier, 2007; Schneider & Ingram, 1997; Schneider & Ingram, 2005).

The social construction framework is useful for understanding the benefits assigned or not assigned to differing populations in NC. My data analysis did not reveal a socially constructed dependent group in the education policy domain of NC outside of the student population of K-12 public schools. Some Republican representatives have attempted in the past to construct a group of students with disabilities as a population worthy of benefits, which would have resulted in a targeted parental school choice policy (through tax credits) for those families. However, each attempt to establish the dependent status of that group and assign benefits was defeated by K-12 public school advocates. The absence of the successful social construction of a targeted dependent group is closely linked to the absence of a targeted parental school choice policy.

However, just as a socially constructed population of *dependent* families and students emerged in WI's parental school choice debate as the center and "target" of the MPCP legislation, a socially constructed population of *advantaged* citizens emerged in the NC data as a crucial determinant in the *absence* of any parental school choice policy. The powerful and influential members of the K-12 public education establishment are



socially constructed and perceived by many in political and education circles, and in society in general, as a positive, advantaged group deserving of benefits and rewards.

### **The Social Construction of the Advantaged in North Carolina**

One of the propositions of the social construction policy framework is that the allocation of benefits and burdens to target groups in public policy is dependent upon the extent of the group's political power and "their positive or negative social construction on the deserving and undeserving axis" (Sabatier, 2007, p. 101). A group's political power and strength is based on several criteria: the extent of their political resources, the size of the group, the degree to which they are united, how easy it is to mobilize, and if members are "wealthy, skilled, well-positioned, focused on issues of concern to it [the group], and accustomed to voting, and contacting public officials" (Sabatier, 2007, p. 101). Another critical component is if the group is perceived as worthy, deserving, and contributing to the general welfare of society.

The K-12 public education establishment, which includes those traditional education groups such as the North Carolina Association of Educators, the School Board Association, the North Carolina Association of School Administrators, the North Carolina Principals and Assistant Principals Association, the PTA, the Professional Educators of North Carolina [PENC], and the Public School Forum, among others, has earned the status of an advantaged population. They are considered by many education and political leaders across the state as a group worthy of a high level of political resources and important to society as contributors to the general welfare of another advantaged group, the state's school children. Politicians and policymakers tend to

“respond to, perpetuate, and help create social constructions of target groups in anticipation of public approval or approbation” (Sabatier, 2007, p. 206). Schneider and Ingram (2005) go so far as to claim that “Governments want to bind powerful groups to the state by providing a stake or permanent entitlements to those whose support is most needed” (Skocpol, 1992, in Schneider & Ingram, p. 3); and, “Public policy is the primary tool through which government acts to exploit, inscribe, entrench, institutionalize, perpetuate, or change social constructions” (p. 5). As the state’s public educators dedicate themselves to the advancement of children, and thereby society in general, they are viewed with respect and high regard, and policymakers contribute to the perpetuation of that construction through the benefits they assign to the K-12 public education establishment.

Over time, policy designs can become institutionalized, discouraging the “political participation of negatively constructed groups and encourag[ing] the participation of positively constructed groups” (Sabatier, 2007, p. 106). The consistency of the favorable policies can exert a “powerful reinforcement of social constructions, prevailing power relationships, and institutional cultures” (Sabatier, 2007, p. 106). Generally, policymakers, particularly elected officials, will “respond to incentives to provide advantaged groups with benefits, because these groups are regarded as deserving and are well organized politically. Furthermore, the deserving construction tends to insulate elected leaders from opposition to the policy allocation” (Sabatier, 2007, p. 106).

In NC, the K-12 public school advocates participating in my study were quick to note that they work to benefit all of society and, in keeping with the aim of our State

Constitution (reworded by Judge Manning), they set forth the purpose and mission of providing a sound, basic education to every child. A recurring argument they used to distinguish themselves from their opponents is that they work for *all* children, not just a selected group. Policymakers in NC, particularly elected representatives and senators in the General Assembly, are overwhelmingly sympathetic to that purpose and in support of the K-12 public education establishment.

Sabatier (2007) noted that the social construction of targeted groups is an important attribute of the political process and can often be embedded in policy design and implementation. As elected officials garner support for their policies, they depend upon partisanship and ideology, as well as social constructions, to set apart the opposition. Social constructions can sometimes be important elements of a political base and can also become “embedded in policy history,” making it ever more difficult for competing groups to develop a positive social construction for themselves. “Social constructions are inherently resistant to change” (p. 108). This, in part, explains the struggle of parental school choice advocates to elevate the status of a targeted group to one deserving of benefits.

### **Other Social Constructions in North Carolina**

While parental school choice advocates seek to advance the needs and deservedness of a subgroup of students, such as students with disabilities or the poor, mostly minority students in low-performing rural and urban districts, the advocates themselves have been portrayed with a construction of their own.

When examining the four basic population groups that Schneider and Ingram (2005) described in the framework, there are ways that the parental school choice advocates have been constructed by those in power to be a deviant group. Although deviant sounds strong, and we sometimes associate it with criminal, there are still criteria of a deviant population group that apply to the parental school choice advocates.

These advocates are portrayed by those in power as working against the State, opposing the very foundational tenets of the Constitution that provide for free and uniform schools with equal opportunities for all students. They are like rebels, going against the system and working against the common good of a democratic society by attacking public education and seeking to drain the system of funds. Since deviant groups are not politically powerful and are undeserving of benefits, they are seen as having no value for society. Many K-12 public school advocates socially construct parental school choice advocates to be a population that not only adds no value to society, but actually seeks to detract value from and *devalue* the societal ways that have been esteemed for over a century. They are constructed as “out on the fringe” of education advocates. As Mr. Dornan (personal communication, March 20, 2010) recalled a school choice advocate from earlier years, he used some of the following phrases: “on the extreme right when it comes to politics;” ... He was “the largest, probably the loudest voice for vouchers over a prolonged period of time ... a failed candidate ... a very divisive, sorta um, hand-grenade-throwing political figure—colorful.”

The Republicans in the General Assembly have been somewhat powerless as well, with the political party imbalances existing in the House and Senate. Those who

have tried, have not been successful in constructing parental school choice advocates in a more favorable light, nor have they been successful in working as a advocate for choice themselves, attempting to construct a targeted, dependent group of students.

The K-12 public education community not only enjoys the status of an advantaged population, they have also formed a strong coalition that could be described as a type of “sub-government” (Birkland, 2005, p. 99), meaning a policy network or subsystem with significant resources and power to affect policy.

### **A Policy Network**

As I continued to allow GT processes to lead my study, I reviewed various works about policy making and factors in a policy community (Birkland, 2005; Bogason, 2006; Colebatch, 2009; Coleman & Skogstad, 1990; Miller and Demir, 2006; Sabatier and Jenkins-Smith, 1993). Birkland (2005) described the several levels of leadership and influence affecting the formulation of policy. He first described the policy domain as the “substantive area of policy over which participants in policymaking compete and compromise,” which in my study is the NC education policy domain (p. 97). Within any domain there exists policy communities consisting of influential players who are “actively involved in policy making” and are perceived as most “expert in studying, understanding, negotiating, or explaining an issue” (p. 97).

Many times members within a policy community form alliances or network with one another in order to strengthen their community and advance their common interests. Chapter IV described how voucher advocates in Milwaukee developed an advocacy coalition based on their shared policy core beliefs (Sabatier & Weible, 2007).

In NC, the K-12 public education establishment has developed and expanded its coalition for many decades. The strength, stability and positive construction of the K-12 public school alliance has become a powerfully entrenched influence. The K-12 public education establishment consists of educators and their advocates who have developed and maintained a mutually reinforcing relationship with elected officials and policymakers. Birkland (2005), and other contributors to policy literature, referred to these kinds of groups as a subgovernment, an issue network or subsystem, or a policy network (Atkinson and Coleman, 1992; Van Waarden, 1992; Bogason, 2006; Miller and Demir, 2006).

The political force and resources of such a policy network can lead to long-term stability and even create a policy monopoly. This creates within the policy community a controlling group of players and a group of other less powerful members of the community (Colebatch, 2009; Coleman & Skogstad, 1990; Sabatier and Jenkins-Smith, 1993).

The policy network of the K-12 public education establishment has, over time, equipped itself with the resources, power and influence to create a monopoly over education policy. According to the data I obtained from the K-12 public school advocate participants, the members of its policy network, which one participant referred to as the “traditional groups,” include the North Carolina Education Association, the North Carolina School Board Association, the North Carolina Principals and Assistant Principals Association, The North Carolina Association of School Administrators, the Parent-Teacher Association, The Professional Educators of North Carolina, the Public

School Forum, and the State Chamber of Commerce. I am sure there are other smaller groups adjoined to the same interests and purposes of this network, such as the North Carolina Justice Center, which was mentioned by another participant. This network is allied as well with many leaders in the Democratic Party of North Carolina.

The NEA itself was described by Birkland (2005) as a peak association, a term for the “largest and most powerful group in a policy domain, leading an advocacy coalition of other, like-minded groups” (p. 82). In the K-12 public education policy network, the NCAE, NC’s NEA affiliate, stands out as the leader, the group with the greatest membership, budget, and capacity to maintain a staff of specialists and to contribute to political candidates. In NC, the NCAE is the peak association of the K-12 public education policy network, leading an advocacy coalition of other like-minded groups.

One of the K-12 public school advocates in my study, who was intimately familiar with the NCAE, claimed that the NCAE has over 65,000 members and an annual revenue of about \$10 million. The participant described the understood “hard rule” in NC politics, that if you support an issue in opposition to the NCAE, “you are not getting the endorsement of teachers, which is still in this state, a much sought-out endorsement” (Participant #13, personal communication, April 5, 2010).

The NCAE also has the advantage of having a membership which is disbursed across the state. Weimer and Vining (2004) explained the edge this provides like this:

Diffuse interests may also enjoy access to representatives by virtue of their distribution. For example, the NEA appears to enjoy great success in lobbying not only because it has a large, well-educated, and politically active membership, but also because its membership is spread fairly evenly over congressional districts. (p. 173)

Conclusively, with the power and influence of a policy network, K-12 public school advocates have also been assigned the advantaged status of the social construction framework, being perceived as working for the good of society and worthy of benefits. With the power of an advantaged status and in keeping with the functions of the policy network, K-12 public school advocates, members of those aforementioned groups, are sought out for advice and guidance in state policymaking by legislators and committees. The presence and force of the NCAE, the leading organization of this network, was a critical and unexpected finding that emerged from the data, given that one of the foundational premises for questioning the absence of a voucher policy in NC was the absence of (or perceived absence of) a strong teachers' union.

### **The Absence of Other Frameworks**

In the study of Milwaukee policy and politics, the application of the social construction policy framework provided the deserving population group to be assigned benefits. Through the social construction of a deserving group, families and advocates were brought together for the single purpose of advancing the worthiness of the group and seeing that their needs were addressed through legislation. Thus, the social construction of that targeted group was the impetus for the formation of an advocacy coalition, as described in Chapter IV (Birkland, 2005; Sabatier & Weible, 2007). In NC, there has been no such construction of a targeted group and, therefore, no coalition has formed to support its cause. In fact, the interests of school choice are a diverse and



fractured group of individuals and organizations with differing opinions on change strategies and solutions.

Since advocacy coalitions can typically work for over a decade before attaining a policy change, the framework of multiple streams became another critically applied theory to the Milwaukee process. The problem of MPS inner city schools, the policy of targeted school choice vouchers and the politics of ideology and political parties merged at the right time, creating a window of opportunity, as described by the multiple streams framework (Kingdon, 1995; Zahariadis, 2007). The merging of the three streams was set in motion by a socially constructed disadvantaged group of students and their families—the initial problem. Since no such targeted group has been established in NC, the streams cannot possibly merge. The problem must be identified and specifically defined in a way that more political leaders view vouchers as a wise and viable option so that school choice policy and politics can respond. It is reasonable to think that if a targeted group of deserving students was successfully constructed in NC to be worthy of benefits, the frameworks of an advocacy coalition and multiple streams could become a critical part of the school choice policy process that follows.

### **In Summary—K-12 Public Education Advocates:**

#### **The Advantaged Policy Network**

In seeking to explain the absence of a targeted parental school choice voucher policy in NC, one need only look as far as the K-12 public school advocates, a powerful and resourceful group of education and political leaders, to theorize that their presence is a critical component. The members of this group are socially constructed as an

advantaged population and, politically, they form a policy network, or subsystem. The strength of this policy network, linked with the leaders of the Democratic Party, not only explains a “resistance” to choice policies, but represents a stronghold that will battle against any effort that they perceive to diminish public schools.

The K-12 education policy network gains additional strength from being those citizens serving in the capacity of providing the education of the state’s children, as outlined in the Constitution. They appeal to the state’s founding document as their mandate to serve and they put forth the mission of protecting and meeting the needs of every child. There is a cause that is admired and respected. As Dornan (personal communication, March 10, 2010) was quoted, “It is the history of governors in North Carolina going back pretty far on being education governors and trying to strengthen the system of public education. I mean, it has been the mantra of both Republicans and Democrats.” The mantra of K-12 public school advocates has a positive construction in NC that has endured its own weaknesses and the challenges of others.

Contrast that to the undeserving status of parental school choice advocates who are constructed as a group working against the democratic purposes of public education. They are weak politically and portrayed as on the fringe of society, politically and socially extreme in their views. A weak Republican Party has been able to do little to counter that construction.

It should be noted that while there has been no successful social construction of a targeted, dependent group in NC, I contend from my research that such a disadvantaged and deserving group does exist in the poor, mostly minority, students of our inner cities

and rural areas, as well as among the students with disabilities population. These groups deserve more attention, yet there is an absence of someone similar to WI's Polly Williams in the legislature to advocate for such groups. These missing components, which were present in the WI debate and critical to the MPCP legislative success, further support my theoretical argument that socially constructed groups and their advocates greatly influence politics and policymaking.

Only after a socially constructed targeted population has been established in the education community, which is being poorly served by public schools and worthy of benefits, will other frameworks that impact policy begin to be identified as forces that either advance or impede the progress of the socially constructed population.

Understanding the social construction framework provides the theoretical underpinning to explain the effective force and influence of the K-12 public school advocates, while also explaining the successful advancing of their agenda. This understanding is also useful to my research in theorizing how competing groups, such as parental school choice advocates, might counter the advantaged status that K-12 public school advocates enjoy or otherwise contend for benefits themselves. Chapter VII will more fully develop the applications and implications of this theory.

## **CHAPTER VII**

### **IMPLICATIONS FOR THEORY AND INCREASING SCHOOL CHOICE OPTIONS**

You're asking me if my bill [for tuition tax credits] will pass? (Yes, do you think you have a chance?) Yeah, I do. Especially if we get a majority in November. If the General Assembly stays the same, it'll be tough. But, the General Assembly is not going to stay the same (Rep. Paul Stam, personal communication, April 2, 2010).

As a NC educator with an interest in school choice voucher policies, the focus of my inquiry was a close analysis of NC data to arrive at theoretical conclusions about the absence of a voucher debate that could result in applications for other educators and leaders in the state. The accumulated data, emerging findings and themes, and resulting theory development of my study fully address my final research question, 3(b): “How can this new knowledge—factors explaining the absence of a voucher policy and the policymaking dynamics of the state—be used by parental school choice advocates to advance their position regarding targeted school choice vouchers?”

The application of the social construction policy framework, described in previous chapters, provides new understanding to the policies and politics of NC. In this chapter, I will address the implications and the practical applications of this theoretical framework, particularly addressing how the framework can be used by parental school choice

advocates to advance their agenda. I will then describe the contributions and limitations of this study and pinpoint the lingering questions that future researchers can address.

### **Action Summary: Three Broad Strategies**

Based on the lessons learned from the policy frameworks and processes of Milwaukee and the analysis of the NC data as it appropriately fits within the social construction framework, I believe there are several practical strategies that can potentially affect changes in the educational policies of NC. For parental school choice advocates in NC, or other states battling for increased school choice options, I recommend they work within the conceptual structure of the social construction policy framework to impact the advantaged status of the K-12 public education establishment and also to target a dependent group to receive benefits, such as the poor, mostly minority students in low-performing rural and urban districts. Secondly, the parental school choice advocates should coalesce into a strong advocacy coalition that finds agreement around a specific policy. It is important that the coalition members advocate for the same targeted population to receive specific benefits. The strength and influence of the advocacy coalition will depend upon it. Finally, it is recommended that parental school choice advocates find alignment with members of both political parties, gaining bipartisan support for their choice effort. In the following section, I will more fully develop these three broad strategies.

### **Working Within the Social Construction Policy Framework**

Policy literature points out that much of the dynamics of policymaking involves attempts to persuade others about the “correct” social construction of particular groups.

There is not always a uniform social construction, since different belief systems, backgrounds and interests will lead to competing constructions. Much political tension is involved in framing the issues, creating and manipulating social constructions, and converting the results into meaningful policy (Sabatier, 2007; Schneider & Ingram, 2005).

Parental school choice advocates must work to call into question some of the claims of the advantaged population, K-12 public school advocates, revealing any inaccuracies and debunking myths. They must deconstruct the advantaged status of K-12 public school advocates, while also constructing their own targeted group of students as a deserving population that is worthy of legislative benefits.

### **Deconstructing the Advantaged**

Policy researchers believe that questioning and contesting the status of socially constructed groups, such as the K-12 public school advocates, is healthy to the policy debate. There are commonly held beliefs that contribute to the protected advantaged status of K-12 public education establishment that should be examined by their opponents to provide a response from a different perspective. As Schneider and Ingram (1997) explain:

Advantaged target groups that are already powerful and positively constructed are systematically overrepresented, oversubscribed, and overfunded whereas others who are already disadvantaged [such as parental school choice advocates], are systematically underrepresented, undersubscribed, and underfunded. (p. 193)

The data from several of the parental school choice advocates pointed to the need for debunking myths about school choice options, such as vouchers, and contesting the benefits assigned to the advantaged K-12 public education establishment.

Some widely disseminated information that may go unquestioned and accepted as truth includes: choice advocates want universal vouchers (no such program exists in the country), only the White elite will benefit from such a parental choice program, private schools are mostly White elite, and the debate has to be private versus public. Even if the myths—issues—are debatable, parental choice advocates must provide a response and assert the weight of their numbers and beliefs on the politics and policies of NC (Greene, 2005).

Some of the work to be done includes informing and educating legislators who for too long have relied on the public school establishment to guide their decision-making.

Mr. Allison (personal communication, May 26, 2010) described it this way:

The vast majority of schools in North Carolina are very diverse. And, also, you have a large percentage of mostly African American private schools that are doing exceptionally well for African American students. And, so being able to expose our elected officials at that grassroots level in their own district, where they have never visited a private school, to be able to see a myth be debunked, ... to begin to bridge the gap with bipartisan support, ... providing information, taking trips to see schools in Milwaukee, in Washington, DC, schools right here in North Carolina.

Mr. Allison is suggesting that groups such as PEFNC are prepared to step up as a contrasting voice to K-12 public school advocates to give their elected officials new information and expose them to what is happening in many NC private schools, particularly in the officials' districts.

Sabatier (2007) asserts that a change in the social construction of a population is a critical component of policy change. The social construction framework is an evolving framework that is vulnerable to the interpretations of the prevailing forces. Parental school choice advocates have much work to do to counter decades of mostly one-sided messages from K-12 public school advocates.

Schneider & Ingram (2005) note that when social constructions are contested, they become “unstable and are ripe for policy change” (p. 10). However, “policy feedback is especially likely to prompt mobilization when it negatively affects well-regarded and more powerful individuals” (p. 13). Mobilization will surely occur among K-12 public school advocates if parental school choice advocates chip away at their advantaged political status.

### **Socially Constructing a Dependent Group**

As last reported in 2010, 12 states and the District of Columbia have implemented 20 different parental school choice programs. In the design and implementation of each program, policymakers had to determine the parameters for the targeted group—the dependent population worthy of receiving the school choice benefits (Campanella & Ehrenreich, 2010; Center for Education Reform, 2010).

Parental school choice advocates must identify the deserving targeted group that will receive benefits through a parental school choice policy in NC. The targeted group must be defined and gain acceptance as a socially constructed dependent group. The most likely populations in NC are students with disabilities or families participating in the free or reduced lunch program who have children in underperforming schools. One study



indicated that 80 percent of North Carolinians support providing tuition tax credits for families with students with disabilities (PENFC, 2008, <http://www.pefnc.org/parental-school-choice/special-needs>). Some interview participants indicated that a means-tested policy will garner the most support from a wide spectrum of citizens and groups and most thoroughly address the urgent need of poor, mostly minority, students in underperforming schools. Parental school choice advocates in North Carolina must agree on the deserving targeted group *and* on the benefits to be conferred through legislation (i.e., vouchers, tax credits, etc.).

Whatever dependent group is to be served by a parental school choice policy, there must be an active grassroots, statewide coalition to bring together the influence and resources needed to compete for space on the legislative agenda.

### **An Advocacy Coalition**

The forces for parental school choice are more fragmented than the K-12 public education establishment, being fractured into many small groups pushing for various alternatives outside of public schools. That appears to be one reason why the education establishment has the force of a “Goliath.” Parental school choice advocates in NC must form a unified group, an advocacy coalition, such as the one that was credited in WI with being partially responsible for their legislative victory. The coalition should include conservatives, liberals, Whites, African Americans, other ethnicities, the wealthy, and socioeconomically disadvantaged members of the communities. Most importantly in that coalition, if the targeted program is designed for disadvantaged students in failing schools, members of those communities must be active and on the forefront. The WI

governor learned that he could not advance a choice program *for* people who were not rallying for one.

One parental school choice advocate, whose political affiliation is known as Republican, spoke about the need for unification:

We work fairly closely with various organizations that have come up really advocating for choice or other policies. We need to get them all in the room. I think that's one of the problems that the advocates for one position or another are not really talking amongst themselves. They're using the legislature as a choke point, which is probably why we haven't gotten very far. (Participant #3, personal communication, March 2, 2010)

At least one parental school choice group in North Carolina has gained the attention of citizens and legislators, seeking the unification that success will take.

### **The Potential Impact of PEFNC**

The formation of a coalition of parental school choice advocates appears to be occurring through the relatively new organization, Parents for Educational Freedom in North Carolina (PEFNC), founded in July, 2005. Led by President Darrell Allison, PEFNC is attempting to become the "large umbrella" under which all groups interested in parental school choice can gather. Allison (personal communication, May 26, 2010) observed:

For far too long I think that the issue has been identified and connected with one Party, ... and labeled as a conservative approach to education. ... There's so many other issues that get intertwined ... We're the only organization of our kind and whose sole focus is parental school choice. ... There were decades of one group, who have been able to establish their roots, strengthen their roots, ... so strategically, I think it has been very helpful for our organization not to get involved in any other issue, but the issue of parental school choice, ... we can hopefully have real honest debate on the issue and not these other sub-issues.

The single focus of PEFNC on the issue of parental school choice was evidenced in the Town Hall meeting I attended in Charlotte, NC, where almost 500 attendees, predominantly minority families, gathered to address the K-12 achievement gap.

After five years of grassroots efforts, PEFNC has now networked with over 50,000 members and has worked to build relationships with state legislators, private school personnel, and other educators and community members across the state. PEFNC seeks to be the single voice, the unifying force, for advocates of parental school choice.

As Senator Malcolm Graham, an African American Democrat from Mecklenburg County, appealed to the PEFNC Town Hall crowd to join in the effort to improve the educational system, he challenged, “We must do the work, roll up our sleeves, and be open to new ideas and new philosophies, and say, collectively, ‘Let’s work together’” (PEFNC Town Hall Notes, April 22, 2010). PEFNC reported after the Town Hall:

The evening’s most arousing applause came in response to a policy-related question regarding opportunity scholarships to help low-income and working class parents pay for private school tuition. The topic triggered a spirited, lengthy [standing] ovation from most in attendance. (*Education forum*, April, 2010)

Practically speaking, in all of the data collected across NC, PEFNC is the only organization to date that appears to have the capacity to work within the framework of social construction and the theory of building an advocacy coalition to successfully advance the interests of parental school choice advocates.

Currently, in this 2010 election cycle, PEFNC appears to be front and center—conducting town hall forums and meet-the-candidate events all across the state. Through my interview process, I learned PEFNC has a strong and respected leader in Darrell

Allison, known by most of the other interview participants ([www.MySchoolChoiceNC.org](http://www.MySchoolChoiceNC.org)).

### **Negotiation, Gestation, and Mobilization**

Whatever the coalition in NC that parental school choice advocates form, they will be dependent on the work and direction of a strong leader, a type of policy entrepreneur, who can provide direction and speak for the group. Typically, a coalition's leader, being the dominant voice and key negotiator, can be a critical player in moving policy issues to the forefront of an agenda. In many cases, one leader, a strong negotiator with policy expertise, political connections, and persistence, can be pinpointed as instrumental in moving a subject up on the agenda (Kingdon, 1995).

Parental school choice advocates should also be aware that the political influence and policy change that may be ultimately achieved is usually preceded by what Kingdon (1995) terms a "softening-up process" (p. 201), which generally is part of the role of the leader, or policy entrepreneur. The softening-up process is a critical and sometimes long gestation period that includes educating the public, informing would-be supporters, and influencing and persuading those in the policy domain, which can be expected to be resistant to major and sudden changes. With PEFNC's growth and strength over the past five years, this coalition may have already initiated such a gestation period in NC.

Members of an advocacy coalition can facilitate the merging of streams, as explained in Kingdon's (1995) metaphor, as they mobilize in support of policy change. The critical "window of opportunity" that occurred in Milwaukee can be identified in many successful policy changes as the three streams—problem, politics, and policy—

merge at just the right time to gain a coveted spot on the legislative agenda. Parental school choice advocates must become more politically active at a grassroots level to elevate the urgency of the problem (persistently low academic performance among their targeted group) and to shift political currents (successfully construct a dependent group or effect a change in the General Assembly). If parental school choice advocates are to prevail in their mission, undoubtedly both the advocacy coalition and the multiple streams framework will be applicable to the policy change.

### **Creating a Bipartisan Policy**

Important to the success of a parental school choice policy is the political make-up of community and legislative support. WI and other states with choice policies have proven that success hinges on a bipartisan effort and a political consensus, which requires informing citizens who contact legislators in both political parties. Parental school choice advocates must become aligned with members of both political parties at the state level, gaining bipartisan support of any choice effort. This will not only help ensure successful legislation, but will also sustain any choice program into the future, regardless of changes in the political party affiliation of leaders.

In a world where most people pay little attention to their representatives, the politically active few have an opportunity to wield influence disproportionate to their number. ... In general, however, private self-interest plays an important role in motivating political participation. If we believe that most people are economically rational, then the greater the expected net benefits one expects to reap from some political activity, the more likely that one will undertake the activity. (Weimer & Vining, 2004, p. 169)

Citizens who are members of both parties must be informed of the potential benefits of a choice policy in order to achieve greater political participation, including influencing state House and Senate members of both parties. The population with the most to be gained from a change in policy will be the most motivated to become actively supportive and will likely be the most effective in persuading others to support their interests.

Citizens, potential grassroots activists, parents of students with disabilities, and the poor, mostly minority families in the inner cities and rural districts of NC must be informed about the issues and must be educated on how to get involved in the legislative process. They will need to understand their own stake in a successful policy change to invest the time and energy that may be required from getting involved. It will be important that Democratic voters who are proponents of choice policies inform others, become connected to a supportive coalition, and contact elected officials who have the power to propose change.

The advocates for parental school choice, whether through vouchers or other means, are not necessarily all Republicans, but they look to Republican leaders to work for their interests and those leaders are in the minority in NC. One parental school choice advocate admitted, “Nothing is going to move without the speaker and the leader in the Senate allowing it to” (Participant #3, personal communication, March 2, 2010). Mr. Dornan (personal communication, March 10, 2010), another K-12 public school advocate, elaborated:

It’s really hard to see anyone in elected office in North Carolina, who is an advocate for vouchers. ... The State Superintendent, the State Governor, virtually all of them are not only not for vouchers, they are for keeping the lid on charter

schools. So the climate right now for the expansion of choice is not very favorable.

Again, according to my data, public school advocates are opposed to *any* kind of non-public choice, competition, or public funding of private schools. However, parental school choice advocates are *not* opposed to public schools. They see educational alternatives as simply that, and unreservedly acknowledge the important role of public schools. This is another valid point of which legislators should be aware, framing the issue of parental school choice as providing alternatives to public education, not damaging or replacing it.

It may help choice advocates to study what groups have done in other states to combat what could be termed “systemic opposition”—well-funded opposition coming from within the very system supported by tax dollars that perpetuate existing public educational policies. In NC, the K-12 public education community, considered to be quite partisan in my data and including the NCAE, projects a strong, systemic opposition to choices outside public school. To make any moves toward a bipartisan effort may simply bring us full circle to the social construction framework. Within that theory, it could be proposed that only by penetrating the positive, deserving social construction of the K-12 public education establishment, or by elevating its own deserving status, will a group promoting parental school choice have an impact on citizens, educators, and members of the legislature who have traditionally supported public schools.

Additionally, the governor’s desk will be the last hurdle for any choice bill in NC. Although initially most choice programs were passed in states with the support of

Republican governors, the country is seeing increasingly more support from Democratic governors as well. Parental school choice advocates in NC must develop such a groundswell of support so that the governor could not ignore their efforts, or they must otherwise work to affect the voting patterns of citizens to elect a governor with a parental school choice platform.

As I collected narrative data from participants from both sides of the school choice issue, all eyes were on the 2010 election in November. Advocates of K-12 public education and parental school choice advocates are all keenly aware that a shift in the General Assembly could ultimately lead to policy change.

### **Contributions, Limitations, and Recommendations for Further Study**

The almost 20 years of research with the social construction policy framework has seen an increase in its use and understanding, which has developed and strengthened its application (Sabatier, 2007). The framework seeks to answer questions about the relationship between public policy and the tenets of democracy, explaining how and why certain populations receive benefits and others receive burdens. If every citizen has an equal voice, what explains the political power of some groups or individuals over others? The social construction framework seeks to address this kind of “contradiction” in our democratic policies and explains problems that other approaches may leave unexplained. It has value in telling the story of what occurred rather than just providing the statistics (Schneider & Ingram, 2005). This study employs the social construction policy framework to offer an explanatory theory about the influence of, the political power of, and the assignment of policy benefits towards K-12 public schools in North Carolina.



This study provides interesting theoretical conclusions and implications of practical application for parental choice advocates in North Carolina. The insight into the political and policymaking dynamics of the state sheds light on and offers explanation for the strength of the K-12 public education system. The policy framework of social construction has powerful application in North Carolina education policy and politics.

The greater understanding of the several policy frameworks applied in this study can facilitate other researchers in data analysis and in developing conclusive theories. The social construction framework, being relatively new, will be particularly interesting and useful to policy researchers as they seek to dissect the political dynamics of policymaking in education and other domains, whether locally or nationally.

Due to this study's more narrow focus of parental school choice vouchers, a deeper study into charter school issues is warranted. While *Leandro* rulings are still being funded, the achievement gap for poor, mostly minority students, and for students with disabilities, still persists. KIPP Academies, a brand of charter schools, are making a name for themselves across the nation (82 Academies) and the two Academies in NC are reportedly making a difference for the small percentage of students that they have been permitted to educate. Future studies should explore the arguments for capping the number of allowable charter schools and limiting the number of students charter schools are allowed to enroll. Critics of charter schools point to the small numbers of students and schools impacted as an argument against charter school success, while continuing to keep them capped.

Another question of local interest is “Who advocates for the interests of the minority students and families in the state?” I began to wonder what will address the drop-out rate and achievement gap in places like Charlotte-Mecklenburg where only 40% of the Black males graduate. If parental school choice programs have proven to help the poor and mostly minority students in other states such as WI, then why don’t minority leaders support such an effort? How can they accept constraining disadvantaged minority students in failing schools in the name of integration, particularly when many of those schools are not very integrated? (the same argument of Polly Williams). I did not find an advocate specifically for minority populations among the K-12 public school advocates; I only found advocates for K-12 public schools in general.

Also, in light of the findings and rulings of *Leandro*, the legal defense team for the MPCP in Milwaukee, when facing challenges in 1991 after the program’s implementation, argued that the court system was not the proper avenue for dealing with educational reforms. These matters should be determined by the legislature (Bolick, 2003b). A study solely examining the investment and return on the *Leandro* findings and rulings could either contradict or support that belief, offering implications for seeking legislative or judicial interventions.

It would be equally intriguing to further explore the connections between the NCAE and the Democratic Party, developing a theory around the dominance and power of each entity. Can the NCAE be credited with the dominance of the Democratic Party in NC or is the Democratic Party credited with the power assigned to the NCAE? Maybe the two are mutually powerful and influential.

On a wider spectrum, questions emerged in my analysis that could apply to other areas across the country. The education professional organizations of earlier years have now assumed the role in contemporary society of political advocacy and lobbying—protecting the jobs, the working conditions, and the retirement plans of educators. The teachers’ union of Wisconsin and the educators’ association of North Carolina illuminate how the actions of unions/associations vary between states which operate under different union guidelines. Wisconsin’s union can engage in much more activity at the grassroots and member-level to support its teachers, whereas North Carolina’s association relies on statewide political influence to act on behalf of its members. Is there a conflict of interest in allowing the lobbying arms of these organizations to influence decisions about failing schools, disadvantaged students’ choices, and the tax dollars of every family in America? When a proposed solution to failing schools affects educators’ jobs, it may be considered a conflict of interest for union members who are focused on job protection.

It will be interesting to continue watching the policies and politics of NC, particularly in the soon-approaching November, 2010, elections, as well as in the 2011 legislature. If NC is truly experiencing the “softening” process described by Sabatier (2007), then a policy entrepreneur leading an advocacy coalition should become a dominant figure and the public and political debate for parental school choice vouchers will begin in earnest. That coalition’s best chance for success is to speak with a single voice on this one issue for a specific targeted population.

On the national level, given the controversy over the D.C. Opportunity Scholarship Program now brewing in Washington, DC, the possible expansion of

Georgia's vouchers for special needs students, and states like Florida and Illinois considering an increase in the value of their current voucher, the issue of targeted parental school choice vouchers does not appear to be going away anytime soon. I hope that the data, conclusions, and implications of this study will better inform citizens and leaders in North Carolina and elsewhere as interested parties address the educational challenges that lie ahead.

Let's hope that whatever the results, disadvantaged, poor and minority students in school systems like Halifax County will be provided relief from what Judge Manning called the "academic genocide" that is occurring there. Children everywhere, of every color and ability, deserve an opportunity to receive a quality education.

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## APPENDIX A

INTERVIEW PROTOCOL: WISCONSIN PARTICIPANT	
No.	Question
1	Can you please describe how you were involved in Wisconsin's school voucher debate and implementation process?
2	What do you believe lead to the 1990 legislation that created the Milwaukee Parental Choice Program (MPCP)?
3	Can you describe the political dynamics among voucher supporters and opponents at that time?
4	Who were the key players involved in the debate and ultimate legislation?
5	<p>a. Were alliances formed between the various players who had opposing views about school vouchers?</p> <p>b. If so, how?</p> <p>c. How did such alliances contribute to the formulation and implementation of the MPCP?</p>
6	How did the power and political positioning of key players in the debate influence the formulation and implementation of the MPCP policy?
7	Overall, what do you think are the top reasons why the MPCP policy was adopted in Wisconsin?
8	Can you identify the major areas of controversy in the Wisconsin debate and describe how they were overcome or resolved?
9	From what you know about the politics and policies of North Carolina, what do you believe about the feasibility of a voucher policy similar to the MPCP policy being passed?
10	Is there anything else you would like to share about the Wisconsin school voucher debate and implementation process?



## APPENDIX B

INTERVIEW PROTOCOL: NORTH CAROLINA PARTICIPANT	
No.	Question
1	Tell me about your knowledge and experience in the area of targeted school choice vouchers anywhere in other parts of the country.
2	Describe discussions, debates, or other interactions in which you have participated about targeted vouchers and the nature of the controversy.
3	Can you share any committee discussions, proposed bills or other interactions within the legislature or among education leaders of which you are aware that addressed the concept of targeted vouchers in North Carolina?
4	The literature bears out six areas of controversy in the voucher debate—market, choice, academic, legal, racial and funding. Describe what you have observed in these six or in other areas relating to the North Carolina debate.
5	From the information I have shared with you about the debate that took place in Wisconsin, what similarities or differences do you see in the politics and policies in North Carolina?
6	Can you identify and describe the influence of key political, educational or policy-related leaders in North Carolina who you deem to be significant to the voucher debate?
7	Do you think a targeted voucher policy is possible in a North Carolina school system? Why or why not?
8	As Wisconsin enters its 20 <sup>th</sup> year of the voucher program, describe how observing that program affects or influences leaders and policymakers in North Carolina.
9	What do you believe is the major reason North Carolina does not have a targeted school choice voucher policy even 20 years after Wisconsin has adopted one?
10	What do you plan to do about targeted school choice vouchers in NC?

## APPENDIX C

<b>FIVE QUALITATIVE STUDIES: TITLE AND FOCUS</b>		
<b>Researcher</b>	<b>Title</b>	<b>Research Focus</b>
<b>University/Year</b>		
<b>Carl, James</b>  <b>University of Wisconsin-Madison, 1995</b>	The Politics of Education in a New Key: The 1988 Chicago School Reform Act and the 1990 Milwaukee Parental Choice Program	A comparative-historical study of two reforms in nearby cities that moved in opposite directions: Chicago's legislation that reformed education within the system and supported public education and Milwaukee's legislation that reformed education outside of the system and supported independent and private schools.
<b>Hill, Pamela</b>  <b>Pepperdine University, 1998</b>	An Analysis of Tuition Voucher Proposals and Adoptions Within the Public School Systems of Arizona and Wisconsin	This study explored the impact on constitutional law and government policies, comparing Arizona to Wisconsin's MPCP, to provide suggestions for successful adoption and implementation of school choice vouchers.
<b>Wood, Barbara Johnson</b>  <b>University of Wisconsin-Madison, 1999</b>	The Legislative Development and Enactment of the Milwaukee Parental Choice Program: A Case Study of a Change in the Politics of Education	Documenting the political conflicts in the legislative history of the enactment of the MPCP, this qualitative case study seeks to explain how the voucher program in Milwaukee came to be.
<b>Pedroni, Thomas Charles</b> <b>University of Wisconsin-Madison, 2003</b>	Strange Bedfellows in the Milwaukee Parental Choice Debate: Participation Among the Dispossessed in Conservative Educational Reform	An ethnographic study to examine the identify formation among poor and minority parents when building an alliance within typically conservative education reforms, defining the MPCP as a fragile and uneven process due to power differentials.
<b>Schmitz-Zien, Gayle</b>  <b>University of Wisconsin-Milwaukee, 2003</b>	The Genesis of and Motivations for the Milwaukee Parental Choice Program 1985-1995	An archival and qualitative study to identify the genesis of the MPCP and the motivations of those advocating for it, interviewing only advocates with various perspectives.

## APPENDIX D

<b>FIVE QUALITATIVE STUDIES: METHODS AND CONCLUSIONS</b>		
	<b>Research Methods/Participants</b>	<b>Conclusions</b>
<b>Carl</b>	Qualitative study of document analysis, interviews with key participants, and a political-economic and demographic analysis of the two cities	Differences in political coalitions explain these different reform approaches, with Chicago's business and civic groups, Democratic legislators and public school advocates shaping the reform of Local School Councils. Wisconsin's neo-liberal reformers sought market competition with a few urban independent schools, resulting in limited privatization.
<b>Hill</b>	Qualitative study involving review and analysis of government and non-government generated documents, Arizona interviews and one Wisconsin interview	Hill advised that to attain successful voucher legislation, policymakers should design piloted, limited and highly prescribed voucher programs, aimed at a specific group of students, and minimize constitutional arguments.
<b>Wood</b>	Qualitative case study methodology, using newspaper and public record archives, the legislative record and personal interviews with key participants	Rep. Williams struggled to gain more power and control for inner city families over the education of minority and poor children, backed by legislative intent to provide a limited way to address the inadequacy of inner city public schools, and supported by a governor who wanted, not necessarily government run schools, but schools that serve the public.
<b>Pedroni</b>	Qualitative study informed by fieldwork observations and personal interviews, mostly with parents and principals of voucher schools	Pedroni argues that rather than vouchers being viewed as a market-based solution for failing, ill-equipped schools, they are state-sponsored redistribution to address struggles for class and racial justice. He suggests that urban Blacks would be better served through rearticulation in more meaningful, democratic educational reforms, rather than inhabiting a subaltern discursive space that could further marginalize them.
<b>Schmitz -Zien</b>	Qualitative study of document analysis and personal interviews with voucher advocates	Milwaukee's school choice struggle dates back to the 1960s, motivated by racial equality, the market theory, and religious school survival. The universal motivation was social justice.

## APPENDIX E: DR. HOWARD FULLER'S CONSENT

From: Fuller, Howard  
To: 🙋 Rchaire  
Date: Sat, Sep 25, 2010 10:46 am  
Dr. Howard Fuller  
Founder and Director  
Institute for the Transformation of Learning  
Marquette University  
750 N. 18th St  
Milwaukee WI 53233

The drums of Africa still beat in my heart. They will not let me rest while there is a single Negro boy or girl without a chance to prove his worth.  
Mary McLeod Bethune

-----Original Message-----

From: [Rchaire@aol.com](mailto:Rchaire@aol.com)  
To: Fuller, Howard  
Sent: Wed, Sep 8, 2010 8:56 pm  
Subject: School Choice Voucher Study in Which You Participated  
September 8, 2010

Dear Dr. Fuller:

Thank you again for participating in my study of school voucher options in Wisconsin and North Carolina. Now that I have completed my data collection process, several participants have indicated willingness, and in some cases a desire, to be identified in the study. I would like to offer each of you the opportunity to be named in the study or to remain anonymous. Please check below which preference you have. I assure you that if you choose to remain anonymous I will fully and gladly abide by the Consent Form you originally signed.

**Option 1.** Rita C. Haire has my permission to identify me as an interview participant in her doctoral study:\_\_\_\_\_X\_\_\_\_\_

**Option 2.** I prefer to remain anonymous in Rita C. Haire's doctoral study in which I participated:\_\_\_\_\_

Thank you!  
Rita C. Haire  
UNCG Student Researcher  
[rchaire@aol.com](mailto:rchaire@aol.com)

## APPENDIX F: MRS. LINDA HARRILL'S CONSENT

From: 🙋 Linda Harrill  
To: 🙋 Rchaire  
Date: Wed, Sep 8, 2010 10:43 pm

On Sep 8, 2010, at 9:19 PM:

September 8, 2010

Dear Linda :

Thank you again for participating in my study of school voucher options in Wisconsin and North Carolina. Now that I have completed my data collection process, several participants have indicated willingness , and in some cases a desire, to be identified in the study. I would like to offer each of you the opportunity to be named in the study or to remain anonymous. Please check below which preference you have. I assure you that if you choose to remain anonymous I will fully and gladly abide by the Consent Form you originally signed.

**FINE to USE MY NAME** ( ← *inserted by Ms. Harrill* ) **Option 1.** Rita C. Haire has my permission to identify me as an interview participant in her doctoral study:\_\_\_\_\_

**Option 2.** I prefer to remain anonymous in Rita C. Haire's doctoral study in which I participated:\_\_\_\_\_

Thank you!

Rita C. Haire  
UNCG Student Researcher  
[rchaire@aol.com](mailto:rchaire@aol.com)

## APPENDIX G: MR. JOHN DORNAN'S CONSENT

RE: School Choice Voucher Study in Which You Participated

From: John Dornan

To: 🙋 Rchaire

Date: Thu, Sep 9, 2010 9:42 am

**I don't mind being identified**

**From:** [Rchaire@aol.com](mailto:Rchaire@aol.com)

**Sent:** Wednesday, September 08, 2010 9:23 PM

**To:** John Dornan

**Subject:** School Choice Voucher Study in Which You Participated

September 8, 2010

Dear Mr. Dornan:

Thank you again for participating in my study of school voucher options in Wisconsin and North Carolina. Now that I have completed my data collection process, several participants have indicated willingness, and in some cases a desire, to be identified in the study. I would like to offer each of you the opportunity to be named in the study or to remain anonymous. Please check below which preference you have. I assure you that if you choose to remain anonymous I will fully and gladly abide by the Consent Form you originally signed.

**Option 1.** Rita C. Haire has my permission to identify me as an interview participant in her doctoral study:\_\_\_\_\_

**Option 2.** I prefer to remain anonymous in Rita C. Haire's doctoral study in which I participated:\_\_\_\_\_

Thank you!

Rita C. Haire

UNCG Student Researcher

[rchaire@aol.com](mailto:rchaire@aol.com)

## APPENDIX H: REP. PAUL “SKIP” STAM’S CONSENT

RE: School Choice Voucher Study in Which You Participated

From: Paul Stam

To: 🙋 Rchaire

Date: Wed, Sep 8, 2010 11:31 pm

Option 1 is fine as long as you remember I favor tax credits-I think vouchers are a poor second choice skip stam

**From:** [Rchaire@aol.com](mailto:Rchaire@aol.com)

**Sent:** Wednesday, September 08, 2010 9:50 PM

**To:** paulstam

**Subject:** School Choice Voucher Study in Which You Participated

September 8, 2010

Dear Rep. Stam:

Thank you again for participating in my study of school voucher options in Wisconsin and North Carolina. Now that I have completed my data collection process, several participants have indicated willingness, and in some cases a desire, to be identified in the study. I would like to offer each of you the opportunity to be named in the study or to remain anonymous. Please check below which preference you have. I assure you that if you choose to remain anonymous I will fully and gladly abide by the Consent Form you originally signed.

**Option 1.** Rita C. Haire has my permission to identify me as an interview participant in her doctoral study: \_\_\_\_\_

**Option 2.** I prefer to remain anonymous in Rita C. Haire’s doctoral study in which I participated: \_\_\_\_\_

Thank you!

Rita C. Haire

UNCG Student Researcher

[rchaire@aol.com](mailto:rchaire@aol.com)

## APPENDIX I: MR. DARRELL ALLISON'S CONSENT

From: Darrell Allison  
To: 🙋 Rchaire  
Date: Thu, Sep 9, 2010 8:18 am

**My approval and signature is listed below.**

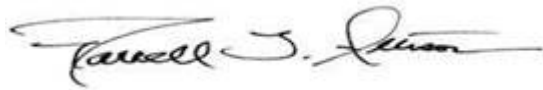
**Darrell Allison, President**  
**Parents/Partners for Educational Freedom in North Carolina**  
**4900 Falls of Neuse Rd. Suite 155**  
**Raleigh, NC 27609**  
**919.871.1084 (office)**  
**919.760.7166 (mobile)**  
[www.pefnc.org](http://www.pefnc.org)

**From:** Rchaire  
**Sent:** Wednesday, September 08, 2010 9:53 PM  
**To:** Darrell Allison  
**Subject:** School Choice Voucher Study in Which You Participated  
September 8, 2010

Dear Darrell:

Thank you again for participating in my study of school voucher options in Wisconsin and North Carolina. Now that I have completed my data collection process, several participants have indicated willingness, and in some cases a desire, to be identified in the study. I would like to offer each of you the opportunity to be named in the study or to remain anonymous. Please check below which preference you have. I assure you that if you choose to remain anonymous I will fully and gladly abide by the Consent Form you originally signed.

**Option 1.** Rita C. Haire has my permission to identify me as an interview participant in her doctoral study: **I choose Option #1 with signature below**



**Option 2.** I prefer to remain anonymous in Rita C. Haire's doctoral study in which I participated: \_\_\_\_\_

Thank you!  
Rita C. Haire  
UNCG Student Researcher  
[rchaire@aol.com](mailto:rchaire@aol.com)